

# Public Document Pack

## Notice of Meeting

### Maidenhead Development Management Committee

Councillors Joshua Reynolds (Chair), Siân Martin (Vice-Chair), Maureen Hunt, Leo Walters, Mandy Brar, Geoff Hill, Helen Taylor, Gary Reeves and Kashmir Singh

Wednesday 20 December 2023 7.00 pm

Council Chamber - Town Hall, Maidenhead & on [RBWM YouTube](#)

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### Agenda

Item	Description	Page
1	<b>Apologies for Absence</b> To receive any apologies for absence.	-
2	<b>Declarations of Interest</b> To receive any declarations of interest.	5 - 8
3	<b>Minutes</b> To approve the minutes of the meeting held on 15 <sup>th</sup> of November as a true and accurate record.	9 - 10
4	<b>22/01791/OUT Land South of Bray Lake Windsor Road Maidenhead</b> <b>PROPOSAL:</b> Outline application for access, appearance, layout and scale only to be considered at this stage with all other matters to be reserved for the construction of x99 dwellings with associated vehicular and pedestrian access, car parking, drainage works and open space. <b>RECOMMENDATION:</b> DLA <b>APPLICANT:</b> Shanly Homes And Summerleaze <b>EXPIRY DATE:</b> 20 December 2023	11 - 56
5	<b>23/00463/FULL Maidenhead Public Library St Ives Road Maidenhead SL6 1QU</b> <b>PROPOSAL:</b> installation of a new heating ventilation and air conditioning system (part retrospective). <b>RECOMMENDATION:</b> PERM <b>APPLICANT:</b> Royal Borough Windsor And Maidenhead <b>EXPIRY DATE:</b> 22 December 2023	57 - 74
6	<b>23/00464/LBC Maidenhead Public Library St Ives Road Maidenhead SL6 1QU</b>	

	<p><b>PROPOSAL:</b> Consent for the installation of a new heating ventilation and air conditioning system (part retrospective).</p> <p><b>RECOMMENDATION:</b> PERM</p> <p><b>APPLICANT:</b> Royal Borough Windsor And Maidenhead</p> <p><b>EXPIRY DATE:</b> 22<sup>nd</sup> of December 2023</p>	75 - 90
7	<p><b>23/01738/FULL 12 Lees Close Maidenhead SL6 4NU</b></p> <p><b>PROPOSAL:</b> Outbuilding (retrospective)</p> <p><b>RECOMMENDATION:</b> PERM</p> <p><b>APPLICANT:</b> Mr Thandi</p> <p><b>EXPIRY DATE:</b> 22<sup>nd</sup> of December 2023</p>	91 - 102
8	<p><b>23/02149/OUT Shottesbrooke Farm Agricultural Barn 2 Waltham Road Maidenhead</b></p> <p><b>PROPOSAL:</b> Outline application for access and scale only to be considered at this stage with all other matters to be reserved for an agricultural barn.</p> <p><b>RECOMMENDATION:</b> PERM</p> <p><b>APPLICANT:</b> Mr And Mrs Smith</p> <p><b>EXPIRY DATE:</b> 1st of December 2023</p>	103 - 114
9	<p><b>23/02268/OUT Private Car Parking Area At Southern End of Stafferton Way Maidenhead</b></p> <p><b>PROPOSAL:</b> Private Car Parking Area At Southern End of Stafferton Way Maidenhead</p> <p><b>RECOMMENDATION:</b> REF</p> <p><b>APPLICANT:</b> N And R Investments Ltd</p> <p><b>EXPIRY DATE:</b> 21st of December 2023</p>	115 - 140
10	<p><b>Planning appeals received and planning decision report</b></p> <p>Committee Members to note the report.</p>	141 - 146

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By attending this meeting, participants are consenting to the audio & visual recording being permitted and acknowledge that this shall remain accessible in the public domain permanently.

Please contact Will Ward, [Will.Ward@RBWM.gov.uk](mailto:Will.Ward@RBWM.gov.uk), with any special requests that you may have when attending this meeting.

Published: Tuesday 12 December 2023



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## **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

In accordance with the requirements of the Local Government (Access to Information) Act 1985, each item on this report includes Background Papers that have been relied on to a material extent in the formulation of the report and recommendation.

The Background Papers will normally include relevant previous planning decisions, replies to formal consultations and relevant letter of representation received from local societies, and members of the public. For ease of reference, the total number of letters received from members of the public will normally be listed within the report, although a distinction will be made where contrary views are expressed. Any replies to consultations that are not received by the time the report goes to print will be recorded as "Comments Awaited".

The list will not include published documents such as the Town and Country Planning Acts and associated legislation, The National Planning Policy Framework, National Planning Practice Guidance, National Planning Circulars, Statutory Local Plans or other forms of Supplementary Planning Guidance, as the instructions, advice and policies contained within these documents are common to the determination of all planning applications. Any reference to any of these documents will be made as necessary within the report.

## **STATEMENT OF THE HUMAN RIGHTS ACT 1998**

The Human Rights Act 1998 was brought into force in this country on 2nd October 2000, and it will now, subject to certain exceptions, be directly unlawful for a public authority to act in a way which is incompatible with a Convention right. In particular, Article 8 (respect for private and family life) and Article 1 of Protocol 1 (peaceful enjoyment of property) apply to planning decisions. When a planning decision is to be made however, there is further provision that a public authority must take into account the public interest. In the vast majority of cases existing planning law has for many years demanded a balancing exercise between private rights and public interest, and therefore much of this authority's decision making will continue to take into account this balance.

The Human Rights Act will not be referred to in the Officer's report for individual applications beyond this general statement, unless there are exceptional circumstances which demand more careful and sensitive consideration of Human Rights issues.

## MEMBERS' GUIDE TO DECLARING INTERESTS AT MEETINGS

### Disclosure at Meetings

If a Member has not disclosed an interest in their Register of Interests, they **must make** the declaration of interest at the beginning of the meeting, or as soon as they are aware that they have a Disclosable Pecuniary Interest (DPI) or Other Registerable Interest. If a Member has already disclosed the interest in their Register of Interests they are still required to disclose this in the meeting if it relates to the matter being discussed.

Any Member with concerns about the nature of their interest should consult the Monitoring Officer in advance of the meeting.

### Non-participation in case of Disclosable Pecuniary Interest (DPI)

Where a matter arises at a meeting which directly relates to one of your DPIs (summary below, further details set out in Table 1 of the Members' Code of Conduct) you must disclose the interest, **not participate in any discussion or vote on the matter and must not remain in the room** unless you have been granted a dispensation. If it is a 'sensitive interest' (as agreed in advance by the Monitoring Officer), you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted by the Monitoring Officer in limited circumstances, to enable you to participate and vote on a matter in which you have a DPI.

Where you have a DPI on a matter to be considered or is being considered by you as a Cabinet Member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

*DPIs (relating to the Member or their partner) include:*

- *Any employment, office, trade, profession or vocation carried on for profit or gain.*
- *Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses*
- *Any contract under which goods and services are to be provided/works to be executed which has not been fully discharged.*
- *Any beneficial interest in land within the area of the council.*
- *Any licence to occupy land in the area of the council for a month or longer.*
- *Any tenancy where the landlord is the council, and the tenant is a body in which the relevant person has a beneficial interest in the securities of.*
- *Any beneficial interest in securities of a body where:*
  - a) *that body has a place of business or land in the area of the council, and*
  - b) *either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or (ii) the total nominal value of the shares of any one class belonging to the relevant person exceeds one hundredth of the total issued share capital of that class.*

Any Member who is unsure if their interest falls within any of the above legal definitions should seek advice from the Monitoring Officer in advance of the meeting.

### Disclosure of Other Registerable Interests

Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (summary below and as set out in Table 2 of the Members Code of Conduct), you must disclose the interest. **You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.** If it is a 'sensitive interest' (as agreed in advance by the Monitoring Officer), you do not have to disclose the nature of the interest.

### Other Registerable Interests:

- a) any unpaid directorships
  - b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
  - c) any body
    - (i) exercising functions of a public nature
    - (ii) directed to charitable purposes or
    - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)
- of which you are a member or in a position of general control or management

### Disclosure of Non- Registerable Interests

Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a DPI) or a financial interest or well-being of a relative or close associate, or a body included under Other Registerable Interests in Table 2 you must disclose the interest. **You may speak on the matter only if members of the public are also allowed to speak at the meeting** but otherwise **must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation**. If it is a 'sensitive interest' (agreed in advance by the Monitoring Officer) you do not have to disclose the nature of the interest.

Where a matter arises at a meeting which **affects** –

- a. your own financial interest or well-being;
- b. a financial interest or well-being of a friend, relative, close associate; or
- c. a financial interest or well-being of a body included under Other Registerable Interests as set out in Table 2 (as set out above and in the Members' code of Conduct)

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

Where a matter (referred to in the paragraph above) **affects** the financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

**You may speak on the matter only if members of the public are also allowed to speak at the meeting** but otherwise **must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation**. If it is a 'sensitive interest' (agreed in advance by the Monitoring Officer, you do not have to disclose the nature of the interest.

### Other declarations

Members may wish to declare at the beginning of the meeting any other information they feel should be in the public domain in relation to an item on the agenda; such Member statements will be included in the minutes for transparency.

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# Agenda Item 3

## MAIDENHEAD DEVELOPMENT MANAGEMENT COMMITTEE

Wednesday 15 November 2023

Present: Councillors Joshua Reynolds (Chair), Siân Martin (Vice-Chair), Maureen Hunt, Leo Walters, Mandy Brar, Helen Taylor, Kashmir Singh and Gurch Singh

Officers: Will Ward, Alison Long, Gillian Macinnes, Dariusz Kusyk and Kirsty Hunt

Officers in attendance virtually: Helena Stevenson

### Apologies for Absence

Apologies were received from Councillor Hill and Councillor Reeves with Councillor Gurch Singh present as a substitute.

### Declarations of Interest

Councillor Taylor stated that John West house was situated in her ward, and she had been given a tour of the house in the past.

### Minutes

**Minutes of the last meeting on the 18<sup>th</sup> of October were unanimously approved.**

23/01068/FULL John West House Unit 5 The Quadrant Howarth Road Maidenhead SL6 1AP

Councillor Hunt proposed a motion to grant planning permission subject to the satisfactory completion of a Section 106 legal agreement and the conditions detailed in Section 14 of the report. This motion was seconded by Councillor Gurch Singh.

A named vote was taken.

<b>23/01068/FULL (Motion)</b>	
Councillor Joshua Reynolds	For
Councillor Siân Martin	For
Councillor Maureen Hunt	For
Councillor Leo Walters	For
Councillor Mandy Brar	For
Councillor Helen Taylor	For
Councillor Kashmir Singh	For
Councillor Gurch Singh	For
<b>Carried</b>	

**Agreed: To grant planning permission subject to the satisfactory completion of a Section 106 legal agreement and the conditions detailed in Section 14 of the report.**

The committee heard from one registered speaker Chris Brady, applicant

Planning appeals received and planning decision report

The committee noted the report.

The meeting, which began at 7.03 pm, finished at 7.26 pm

Chair.....

Date.....

20 December 2023

Item: 1.

<b>Application No.:</b>	22/01791/OUT
<b>Location:</b>	Land South of Bray Lake Windsor Road Maidenhead
<b>Proposal:</b>	Outline application for access, appearance, layout and scale only to be considered at this stage with all other matters to be reserved for the construction of x99 dwellings with associated vehicular and pedestrian access, car parking, drainage works and open space.
<b>Applicant:</b>	Shanly Homes And Summerleaze
<b>Agent:</b>	Mr Luke Veillet
<b>Parish/Ward:</b>	Bray Parish/Bray
<b>If you have a question about this report, please contact:</b> Nick Westlake on or at <a href="mailto:nick.westlake@rbwm.gov.uk">nick.westlake@rbwm.gov.uk</a>	

## 1. SUMMARY

- 1.1 The application site comprises an allocated site (AL26) for housing under the adopted Borough Local Plan (BLP). Since the adoption of the BLP, the Green Belt boundaries of the site have been redrawn and the site no longer falls within the Green Belt designation.
- 1.2 The BLP sets out that Site Allocation AL26 has been allocated for approximately 100 residential units and sets out 18 proforma requirements for the site.
- 1.3 The proposal is an outline planning application, for access, layout, appearance and scale to be considered at this stage, with landscaping to be reserved, for 99 dwellings with associated vehicular and pedestrian access, car parking, drainage works and open space. The report sets out the relevant local and national planning policies, together with the proforma requirements for the site, have been adhered to, subject to planning conditions and a signed legal agreement.
- 1.4 The layout is considered appropriate with regards to the height, form, scale and appearance of the buildings. While the impact on living conditions of future occupants and existing residential properties in the surrounding area has been found to be acceptable. Of the 99 new dwellings proposed, 40% would be affordable. The legal agreement would secure this provision, together with an appropriate tenure mix and securing a Registered Provider for the affordable housing.
- 1.5 The applicant has committed to the provision of a new offsite zebra crossing, on the A308, close to the entrance of the site, which will need to be secured by the legal agreement as detailed in the report. With such a crossing included, it has been demonstrated that the proposed vehicular access point from the A308 is acceptable and the development as a whole would not result in material harm to highway safety in the surrounding area.
- 1.6 It has also been demonstrated that the outline proposals would not result in material harm to ecology, air quality, trees, landscaping or flood risk and has the potential to introduce sustainability measures to reduce the carbon footprint of the development, subject to the use of appropriate conditions and/or securing this through the legal agreement.

<b>It is recommended the Committee authorises the Head of Planning:</b>	
<b>1.</b>	<p><b>To grant planning permission on the satisfactory completion of an undertaking to secure the following:</b></p> <ul style="list-style-type: none"> <li>• <b>On-site policy compliant affordable housing;</b> <ul style="list-style-type: none"> <li>• <b>40% on-site affordable housing (40 dwellings)</b> <ul style="list-style-type: none"> <li>• <b>42% Social Rent</b></li> <li>• <b>38% Affordable Rent</b></li> <li>• <b>20% Shared Ownership</b></li> </ul> </li> <li>• <b>Delivery and maintenance of site open space provision (LEAP)</b></li> <li>• <b>Landscape, footpath and non-adopted roads and pavement provision and maintenance</b></li> <li>• <b>Carbon off-set contributions £236.371.00</b></li> <li>• <b>Travel plan and associated monitoring fee.</b></li> <li>• <b>Bus shelter improvements (up to £10,000 pounds for the two bus stops outside the host site)</b></li> </ul> </li> </ul> <p><b>Highway works through a S278 Agreement</b></p> <ul style="list-style-type: none"> <li>• <b>The provision of a Zebra crossing near to the proposed entrance or in the event that the road remains at a 40 mph speed limit, a signalised crossing such as a Pelican or Puffin Crossing (to be agreed by the Highway Authority) Pedestrian footpath improvements near the entrance of the site.</b></li> </ul> <p><b>and with the conditions listed in Section 15 of this report.</b></p>
<b>2.</b>	<p><b>To refuse planning permission if an undertaking to secure the above has not been satisfactorily completed for the reason that the proposed development would not be accompanied by affordable housing, required highway infrastructure, and associated infrastructure/contribution provision.</b></p>

**2. REASON FOR COMMITTEE DETERMINATION**

- The Council’s Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended; such decisions can only be made by the Committee as the application is for major development.

**3. THE SITE AND ITS SURROUNDINGS**

3.1 The application site comprises a rectangular shaped field, located immediately to the south west of Bray Lake, on the north east side of Windsor Road (A308). In addition, there are two small areas of land along the frontage, adjacent to the Thames Hospice

site and a section to the north west, adjacent to the lake. To the west of the site, there are predominantly two storey detached residential dwellings in Court Close. Similar housing is found to the south of Windsor Road, opposite the site. To the east is Thames Hospice, that began operating in 2019.

- 3.2 The site has a total area of 4.13 ha, which is largely within Flood Zone 1, with areas to the north and north east within Flood Zones 2 and 3. Bray Lake itself is found to the north and north east of the site. There is a circular walking route around this feature, access via a permissive footpath which runs down the north western edge of the site and connect with Windsor Road.
- 3.3 The application site forms the AL26 Land between Windsor Road and Bray Lake, south of Maidenhead Site Allocation within the Adopted Borough Local Plan (BLP). The site has been taken outside of the Green Belt following the site allocation. The site slopes from south-west to north-east, the fall across the site is approximately 1 in 40, but slopes more readily down to the lake. There are no protected trees on the site and there are no heritage assets nearby. The site is given over to wild grass land, a row of trees and vegetation enclose the site to the site from the Windsor Road (A308).

#### **4. KEY CONSTRAINTS**

- 4.1 The key site designations and constraints are listed below:
- BLP Site Allocation AL261 Land between Windsor Road and Bray Lake, south of Maidenhead
  - North and north east corner of the site located within Flood Zones 2 and 3

#### **5. THE PROPOSAL**

- 5.1 The application seeks outline planning permission for access, appearance, layout and scale to be considered at this stage, with landscaping to be a reserved matter for future consideration. The proposed development includes:
- construction of 99 dwellings in the form of houses and flats (40.4% affordable)
  - associated vehicular and pedestrian access from Windsor Road (A308)
  - car parking
  - surface water drainage works and attenuation basin
  - landscaping and open space, including a Locally Equipped Area of Play (LEAP)
- 5.2 During the course of the planning application, amended plans were received which revised the layout of the scheme. The revisions related to the orientation of the proposed dwellings to the north of the site so that they now front the lake and the increase in size of the public open in the centre of the site. The latest amended plans includes a Local Equipped Area of Play (LEAP) to the centre of the site.
- 5.3 The proposed market housing would take the form of 36 x 3 beds, 11 x 4 beds and 12 x 5 beds, comprising a mix of detached and semi-detached buildings. The affordable housing to the south east and north west of the site, would take the form of 6 x 1 bed flats, 12 x 2 bed flats, 10 x 2 bed houses, 11 x 3 bed houses and 1 x 4 bed house. They contain a mix of semi-detached and terraced buildings. Two apartment blocks would be located in the southeastern parcel of the site set back from the Windsor Road. The apartment blocks have been redesigned to incorporate, Juliette balconies serving the living rooms, bricked up windows on the southern elevations to provide visual

interest, a ground-floor private communal garden space for each block. Aside from the apartment buildings which would be three storeys, all buildings would 2 storeys high other than 12 detached dwellings that are 2.5 storeys high.

- 5.4 To the centre of the site an area of public open space of circa 770 sqm would be provided including the provision of a LEAP. To the north of the site, adjacent to the Bray Lake is an additional area of open space. This area includes a large attenuation basin. Overall this feature is 1m deep, the FRA author has confirmed this shall have a standard 1:3 slope, (1m vertical, 3m horizontal) and shall be laid to grass. It is expected this area can be used during such times that feature is not draining water, ie after heavy rain. Within the site layout are three tree lined streets. Subsequent reserved matters application/s would determine the landscaping within the site. The permissive footpath along the western boundary of the site would be retained as part of the development. A new pedestrian connection to the north linking up with pedestrian access around Bray Lake has also been proposed.
- 5.5 The proposed vehicular access would be located to the south west corner of the site, opposite Bray Cemetery and would take the form of a simple priority junction, with a 6.0m wide access. A pedestrian access to Windsor Road is also proposed to the south east, with pedestrian links to the permissive footpath serving Bray Lake. The development would provide 229 car parking spaces, of which 218 would be allocated, with 11 visitor spaces, alongside cycle parking proposed for each dwelling. The flats provide for 23 bicycles spaces (although 30 can be achieved via two tiered parking) for the 18 flats, collectively the flats contain a total of 39 bedrooms.

## 6. RELEVANT PLANNING HISTORY

- 6.1 There is no relevant planning history for the site.

## 7. DEVELOPMENT PLAN

- 7.1 The main relevant policies are:

### Borough Local Plan (BLP)

Issue	Policy
Spatial Strategy for the Borough	SP1
Climate Change	SP2
Sustainability and Placemaking	QP1
Green and Blue Infrastructure	QP2
Character and Design of New Development	QP3
Building Height and Tall Buildings	QP3a
Housing Development Sites	HO1
Housing Mix and Type	HO2
Affordable Housing	HO3
Managing Flood Risk and Waterways	NR1
Nature Conservation and Biodiversity	NR2

Trees, Woodlands and Hedgerows	NR3
Environmental Protection	EP1
Air Pollution	EP2
Artificial Light Pollution	EP3
Noise	EP4
Contaminated Land and Water	EP5
Infrastructure and Developer Contributions	IF1
Sustainable Transport	IF2
Open Space	IF4
Rights of Way and Access to the Countryside	IF5
Utilities	IF7

7.2 As noted above the site falls within the AL26 Site Allocation and as such additional reference is made to Policy HO1 and the associated AL26 Site Proforma in section 10.4.

## 8. MATERIAL PLANNING CONSIDERATIONS

### National Planning Policy Framework Sections (NPPF) (2023)

Section 2 – Achieving sustainable development

Section 4- Decision-making

Section 5 – Delivering a sufficient supply of homes

Section 8 – Promoting healthy and safe communities

Section 9- Promoting Sustainable Transport

Section 11 – Making effective use of land

Section 12- Achieving well-designed places

Section 14- Meeting the challenge of climate change, flooding and coastal change

Section 15 – Conserving and enhancing the natural environment

### Supplementary Planning Documents

- Borough Wide Design Guide
- Sustainable Design and Construction SPD

### Other Local Strategies or Publications

Other Strategies or publications material to the proposal are:

- RBWM Parking Strategy
- RBWM Interim Sustainability Position Statement

- RBWM Corporate Strategy
- RBWM Environment and Climate Strategy
- Affordable Housing Guidance

## 9. CONSULTATIONS CARRIED OUT

### Comments from interested parties:

- 65 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 21<sup>st</sup> July 2022 and 23<sup>rd</sup> August 2023 the application was advertised in the Local Press on 14<sup>th</sup> July 2022 and the 20<sup>th</sup> October 2023

- 1 letter was received supporting the application, summarised as:

Comment		Where in the report this is considered
1.	The 40% affordable housing is important to the hospice and the local economy	12.1 to 12.5
2.	Workers at the hospice could reside next door	Noted.
3.	There are opportunities to improve the bus frequencies	Noted.

- 86 Letters were received objecting to the application, summarised as:

Comment		Comments or where in the report this is considered
1.	Already had recent building of the Hospice which adds additional traffic to an already busy and dangerous A308.	The application has been reviewed by RBWM Highways who have raised no objection to the principle of the development. See 10.29 to 10.38
2.	Additional traffic from development and others in the area, causing congestion, noise, disturbance and increased risk of collision. The traffic assessment submitted is flawed and based on unrealistic assumptions.	The application has been reviewed by RBWM Highways who have raised no objection to the principle of the development or the methodology/findings of the submitted reports. See 10.29 to 10.38.
3.	Additional pollution and reduced air quality in an already poor area.	The application has been reviewed by RBWM Environmental Health who have raised no objection to the methodology/findings of the submitted report. See 10.20 to 10.21
4.	Removal of another area of much needed countryside.	The principle of the redevelopment of the site for a residential use of this scale has been established as part of the BLP subject to site specific requirements as addressed in Section 10.
5.	Whilst smaller than some other proposals, still represents intense, high density development in a suburban area, with minimal green space.	See 10.10 to 10.16



6.	Inappropriate three storey building. Development would not been in keeping with the character of the area.	See 10.10 to 10.16
7.	Development would separate Windsor Road houses completely from the lake, changing the character.	The principle of the redevelopment of the site for a residential use of this scale has been established as part of the BLP subject to site specific requirements as addressed in Section 10.
8.	Proposals are contrary to NPPF and the required 'sustainable planning' given its location, loss of open space and lack of facilities.	The principle of the redevelopment of the site for a residential use of this scale has been established as part of the BLP subject to site specific requirements as addressed in Section 10.
9.	Thames Hospice Green Belt development was a special case. Is this now another special case?	The site does not fall within the Green Belt. It is allocated for residential development within the Borough Local Plan.
10.	Buildings should have the highest standards of insulation and air sourced heating in line with green values.	See section 10.7 to 10.09
11.	Number of houses lead to a very cramped and poor quality environment.	See 10.10 to 10.16
12.	Loss of open space for local habitat.	The principle of the redevelopment of the site for a residential use of this scale has been established as part of the BLP subject to site specific requirements. See 10.49 to 10.56
13.	More green spaces needed. Land better used for growing crops.	The principle of the redevelopment of the site for a residential use of this scale has been established as part of the BLP subject to site specific requirements as addressed in Section 10.
14.	Local infrastructure is already oversubscribed.	The principle of the redevelopment of the site for a residential use of this scale has been established as part of the BLP. There is also as sizeable Cil contribution for local infrastructure, schools, surgery, roads ect.
15.	Risks to health and wellbeing of local residents.	See 10.17 to 10.23
16.	Support for Holyport Residents Association objections.	Noted.
17.	Loss of Green Belt.	The site does not fall within the Green Belt. It is allocated for residential development within the Borough Local Plan.

18.	Loss of peace and tranquillity for residents in the newly built hospice and the cemetery.	The principle of the redevelopment of the site for a residential use of this scale has been established as part of the BLP subject to site specific requirements as addressed in Section 10.
19.	Access is inadequate and dangerous.	The application has been reviewed by RBWM Highways who have raised no objection to the proposed access. See 10.29 to 10.38
20.	Lack of parking.	The application has been reviewed by RBWM Highways who have raised no objection. See 10.29 to 10.38
21.	Increased flood risk by concreting over the field.	There is no objection from the LLFA or EA, see 10.39 to 10.48
22.	Ruin the open aspect and view for residents of Bray Lake.	The principle of the redevelopment of the site for a residential use of this scale has been established as part of the BLP subject to site specific requirements as addressed in Section 10.
23.	A308 Corridor Report was not considered when the BLP was finalised.	Noted.
24.	Housing need is questionable and overstated.	The National housing figures are calculated via a set methodology that has not been contested by the Local Authority
25.	Bray Lake was previously a gravel pit and the site comes with dangers and problems.	Noted. However, the development will not impact on the lake. The condition of the soil has been assessed in this report, see 10.17 to 10.23 and 10.61 and 10.62
26.	Existing utilities unable to cope with the existing properties in the area, let alone additional.	The development would be accompanied by a CIL payment. See section 11.
27.	Proposed drainage works will not protect and enhance water course but lead to water contamination and reduction in water quality.	See 10.39 to 10.48
28.	Conservation area adjacent to the site and the proposals would fail to protect this.	There is no Conservation Area adjacent to the site.
29.	Developments such as this should be nearer to town centres.	The principle of the redevelopment of the site for a residential use of this scale has been established as part of the BLP subject to site specific requirements as addressed in Section 10.
30.	Query as to sustainability measures for the proposed properties.	See 10.7 to 10.9
31.	Light pollution from additional residential units.	See section 10.22

32.	Disruption to business and functioning of Bray Lake as a watersports centre.	The development would not preclude the continued use of Bray Lake.
33.	Affordable housing is not affordable and the provision should provide little or no strength.	The provision of appropriate and policy compliant affordable housing would be secured as part of the required legal agreement.
34.	Dangerous precedent for other developments.	Each application is considered on its merits at the time of submission, in accordance with relevant development plan policies.
35.	Poor arrangements for bin collection, including some roads which trucks cannot access.	See 10.29 to 10.38
36.	RBWM Highways comments are flawed.	Noted.

Comments received after the second round of public consultation.

37.	Persons wishing to walk along Holyport Road to Stroud Farm Road shops have to cross the very busy A308 without any protection.	There is zebra crossing included in the scheme, see 10.29 to 10.38
38.	Air pollution is already very bad and will be exacerbated by this undertaking.	See 10.17 to 10.23
39.	The amendments make very little difference to the comments already made in objection to this scheme	Noted
40.	Increase in vehicles, air, noise, light pollution. Traffic calming measures needed	There is zebra crossing included in the scheme and the road will become 30mph. See 10.29 to 10.38
41.	Lack of social infrastructure within walking range, will result in heavy car dependency for the proposed residents. Increasing risk of overspill parking on Windsor Road	Noted, there is no objection to parking provision from RBWM Highways
42.	Future residents will not use car clubs or bus services. Instead use their own vehicles.	Noted, the bus stop improvements and zebra crossing together with the Travel plan should help mitigate this.
43.	Living so close to the lake would lead to unauthorised swimming and risk of drowning.	Noted, this is however an allocated housing site within the BLP.
44.	Pedestrian footpaths are narrow, who will maintain the vegetation and pavement widths.	RBWM Highways Dept have not objected to the dimensions of the roads or paths. The applicant shall maintain the non adopted highway.
45.	The M4 road widening will lead to road closures and additional vehicle movements along the A308.	Noted, however this does not change the land use designation for the host site.

46.	The house prices are unaffordable. They will be purchased by the wealthy and rented out. Leading to social instability.	Noted, there are 40% affordable dwellings on site. Including 18 apartments.
47.	The density of the development shall harm the environment.	This is in accordance with the BLP, see 10.10 to 10.16
48.	There is no consideration given to the lake watersport business.	Noted, there does not appear to be an interference between the two developments, this would be a civil matter between both parties
49.	The hospice created 2 years of noise and dust locally during the construction in particular	Noted, however construction noise and dust are adequately covered by other legislation.
51.	During the hospice development, the rats were displaced from the fields to the sewer network, this will happened again	Noted, this is a civil matter.
52.	The surface water drainage will be reduced and lead to flooding locally.	There is no objection from either the LLFA or the EA. See 10.39 to 10.48
53.	There is an oversupply of dwellings in the BLP, this site is not needed.	Not agreed, this is part of the wider delivery of housing within the new BLP to get well above the National minimum 5 year supply.
54.	The site is not a sustainable development site in accordance with the NPPF and therefore should refused.	Not agreed, the evidence suggested otherwise, see Section 10
55.	The access is not safe and requires a right hand turn.	Not deemed necessary given the proposed 30mph road speeds and proposed zebra crossing see 10.29 to 10.38
56.	One access is not enough, what would happen in emergencies if this access was blocked.	Not raised as an objection from RBWM Highways, see 10.29 to 10.38
57.	The A308 should be 30 mph.	This has been agreed at full cabinet, the process is expected to be in place before any dwellings are occupied.

### Statutory consultees

Consultee	Comment	Where in the report this is considered
Local Lead Flood Authority (LLFA)	No objection, subject to recommended condition for a more detailed Surface Water Drainage strategy.	10.39 to 10.48
Environment Agency	No objection, subject to recommended conditions on following the FRA and providing a buffer zone to the areas of greater flood risk	10.39 to 10.48

### Consultees

<b>Consultee</b>	<b>Comment</b>	<b>Where in the report this is considered</b>
Highways	No objection, and recommend conditions and a legal agreement.	10.29 to 10.38
Ecology	No objection, subject to recommended conditions relating to a CEMP, Lighting strategy and Biodiversity net gain.	10.49 to 10.56
Environmental Protection	No objection, subject recommended conditions.	10.17 to 10.23 and 10.61 and 10.62
Housing	No objection, subject to securing appropriate provision, delivery and tenure mix as part of a legal agreement.	10.24 to 10.28
Thames Water	No objection, subject to recommended foul water drainage condition.	10.47
Nature Space Partnership	No Objection	Noted.
Natural England	No Response	Noted.
Public Rights of Way	No objection, request for permissive footpath to become a formal public right of way.	10.29 to 10.38
Natural England	No objection, no conditions recommended	Noted

**Others (e.g. Parish and Amenity Groups)**

<b>Group</b>	<b>Comment</b>	<b>Where in the report this is considered</b>
Bray Parish Council (BPC)	<p>Concerns raised around traffic exiting and entering the site. Can they not share an access with the hospice?</p> <p>Density of housing excess for the area. Internal roads have insufficient width to be adopted.</p> <p>BPC cannot support additional developments identified under the BLP on the Windsor Road A308 until the A308 consultation has been completed on how to mitigate the traffic</p> <p>BPC also needs a clear understanding from RBWM on how the Braywick roundabout can support the developments identified in the BLP.</p> <p>Air Quality Control, at the present time the only focus from RBWM is on the Bray AQMA area and the high values observed therein. However, air quality should be a broader concern in the Parish</p> <p>General lack of infrastructure attached to this application and cannot support additional developments identified under the BLP</p> <p>BPC shares the stated concerns of the flood project office, who are not satisfied with the plans</p>	See Section 10

<p>Holyport Residents Association (HRA)</p>	<p>Object to the original allocation.</p> <p>The site does not have transport infrastructure capable of sustaining the development.</p> <p>Bray Lake has periods of high water levels. This will lead to flooding problems.</p> <p>This development would generate more road traffic and more air pollution in and around the AQMA. Other nearby developments including AL21 and the new supermarket will add to this traffic / junction capacity concern.</p> <p>Proposal is out of character, too dense in number; Land is currently a wildlife haven, Proposal does not create any infrastructure, schools, shops ect</p> <p>Proposed access is wrong. A ghost island is needed with the applicants giving up land to widen the road, but this would result in an unacceptable loss of trees. Residents are unable to cross the traffic when exiting roads/driveways, there is insufficient parking.</p> <p>The RBWM Highway comments lack rigger and detail.</p> <p>Open water areas pose a danger.</p>	<p>See Section 10</p>
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**10. EXPLANATION OF RECOMMENDATION**

10.1 The key issues for consideration are:

- i. Principle of Development
- ii. Climate Change and Sustainability
- iii. Layout, scale and appearance
- iv. Neighbourhood amenity
- v. Affordable Housing
- vi. Housing Mix
- vii. Highway Safety
- viii. Flooding and Sustainable Urban Drainage
- ix. Ecology and Biodiversity
- x. Impact on existing Trees
- xi. Landscape and Open Space
- xii. Contaminated Land
- xiii. Minerals Safeguarding Area
- xiv. Archaeology
- xv. S106 and Other Infrastructure requirements

**i. Principle of redevelopment**

- 10.2 Policy HO1 of the BLP commits to providing at least 14,240 new dwellings in the plan period up to 2033 that will focus on existing urban areas and the allocations listed within the policy and as shown on the Proposals Map.
- 10.3 The application site comprises of Site Allocation AL26, Land between Windsor Road and Bray Lake, south of Maidenhead which is allocated for '*approximately 100 residential units*'. The Green Belt boundaries have been re-drawn under the current BLP and the application site is no longer within the Green Belt.
- 10.4 Policy HO1 identifies the site as appropriate for residential use subject to site specific requirements. This list of requirements is set out within the BLP and their adherence should be demonstrated by any proposed development at the site. The requirements are:
1. Provide a strong green infrastructure network across the site that is highly connected to the Lake edge and capable of supporting enhanced biodiversity, recreation, food production and leisure functions
  2. Provide a clear and defensible Green Belt boundary
  3. Create a high quality public open space along the Lake Edge that is fronted by housing to the south and integrated with the adjoining Hospice site
  4. Retain valuable trees and hedgerows, particularly at site boundaries
  5. Reinforce and enhance the planting along the Windsor Road frontage to reduce the visibility of the site in the wider landscape
  6. Ensure that the development is well-served by public bus routes/demand responsive transport/other innovative public transport solutions, with appropriate provision for new bus stop infrastructure, such that the bus is an attractive alternative to the private car for local journeys, including to nearby GP surgeries, leisure facilities and railway stations
  7. Be of very high quality design which responds positively and sensitively to the character (including height) of the surrounding residential areas
  8. Provide a series of high quality character areas across the site each with its own identity
  9. Designed sensitively to consider the impact on long distance views from across the Lake
  10. Provide family housing with gardens
  11. Provide 40% affordable housing
  12. Provide 5% of market housing units as custom and self-build plots (fully serviced)
  13. Achieve flood risk betterment on site by incorporating appropriate flood risk reduction measures
  14. Consider flood risk as part of a Flood Risk Assessment as the site is partially located within Flood Zone 2 and 3 and larger than one hectare. This will need to demonstrate that the exception test can be passed and that a safe evacuation route can be provided
  15. Demonstrate the sustainable management of surface water runoff through the use of Sustainable Drainage Systems (SuDS) in line with policy and best practice; any proposed surface water discharge must be limited to greenfield runoff rates
  16. Provide appropriate mitigation measures to address the impacts of noise and air quality from the Windsor Road so to protect residential amenity
  17. Link to the permitted path around the lake
  18. Undertake a minerals assessment to assess the viability and practicality of prior extraction of the minerals resource, as the site falls within a Minerals Safeguarding Area.

- 10.5 The application comprises a residential development of 99 new residential units, of which 40% would be affordable. Given the net number of units proposed is below but close to 100, the quantum of dwellings proposed is deemed acceptable. In line with footnote 12 of policy HO2, as there are under 100 dwellings proposed, there is no requirement for the provision of custom and self-build plots on the site. All 99 dwellings have been designed with due consideration to the national internal space standards and would benefit from adequate levels of natural light and ventilation, according to the Borough Wide Design SPD. All houses have access to adequate private gardens, with communal amenity space provided for the two apartment blocks. This, together with the areas of open space to be provided as part of the development, would ensure that the proposals represent an acceptable standard of residential accommodation / amenity, in accordance with policies QP1 and QP3 of the BLP.
- 10.6 Therefore, the principle of development is acceptable subject to the proposal satisfactorily achieving compliance with the above site-specific requirements of Policy HO1 as set out in the BLP, also the wider development management BLP policies, as covered in the sections below.

ii. **Climate change and sustainability**

- 10.7 Policy QP 3 of the Borough Local Plan states (inter alia):

*'New development will be expected to contribute towards achieving sustainable high quality design in the Borough. A development proposal will be considered high quality design and acceptable where it achieves the following design principles:*

*a. Is climate change resilient and incorporates sustainable design and construction which:*

- minimises energy demand and water use*
- maximises energy efficiency; and*
- minimises waste.*

Policy SP 2 Climate Change states (inter alia):

1. *All developments will demonstrate how they have been designed to incorporate measures to adapt to and mitigate climate change.*

The Council's Interim Sustainability Position Statement (ISPS) sets out the various criteria for achieving sustainability. These include the requirement to reduce carbon emissions. If new dwellings cannot achieve carbon zero, carbon offset contributions are required and these contributions would need to be secured by way of a S106 Legal Agreement. In order to calculate the amount of contributions, the applicant would need to submit detailed calculations (SAP) which quantify the carbon emissions. Other requirements in the ISPS include the provision of electric vehicle charging points, provision of high speed internet connection, 3-phase power supply and measures to minimise water consumption.

- 10.8 An Energy and Sustainability (ES) Statement (by Blue Sky - Feb 2023) has been submitted as part of the planning application. This sets out the energy efficiency, low



carbon and renewable energy measures which would be incorporated. The Statement indicates that the fabric insulation standards and the construction specification of the apartments and houses will exceed the minimum required by the Building Regulations through energy efficiency measures alone. The ES Statement also highlights the use of passive design measures. Air source heat pumps shall be installed on all new houses, the flats shall have air source heat pump hot water cylinders. There are a total of 240 x 400W photovoltaic panels to be installed across the site. These shall be installed on southwest or southeast orientations only, ie not on all buildings. The construction shall also contain energy efficient, low-carbon, renewable technologies and water efficiency measures throughout. SAP calculations have been prepared for representative units based on the construction specifications. Overall, based on these assumptions, the report predicts the potential for a 63.62% carbon reduction over current building regulations requirements.

- 10.9 The proposed development would also be designed to minimise pollution, be adaptable to climate change, while providing consideration to health and wellbeing through sustainable design techniques. Each house will have an electric vehicle charging point and a fast internet connection. Also, each house will achieve a water use of less than 110 litres per person per day. The measures as set out in the Energy and Sustainability Statement shall be secured via planning condition. This would provide further details of sustainable design and construction measures to be incorporated into the development to achieve, as far as possible, a net-zero carbon outcome on site. Notwithstanding this, as the development is not proposed to be net-zero carbon. The legal agreement would secure an appropriate carbon off-set contribution that requires a carbon offset payment of £236.371.00. This would ensure compliance with the requirements of policies QP3 and SP2 of the BLP and the Council's Interim Sustainability Statement.

**iii. Layout, scale and appearance**

- 10.10 Policy QP3 of the BLP seeks to ensure that new development will be of a high quality and sustainable design that respects and enhances the local, natural or historic character of the area. This includes the urban grain, layouts, rhythm, density, height, skylines, scale, bulk, massing and proportions of the area. Also, matters relating to trees, biodiversity, water features, enclosures and materials are to be assessed amongst other related criteria. Policy QP3 is consistent with the objectives of Section 12 of the NPPF which states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. The NPPF further states at paragraph 126 that good design is a key aspect of sustainable development. The AL26 Site Allocation proforma sets out a number of design related criteria against which application proposals are to be assessed, (see section 10.4 above). In particular, the proforma requires the development to

2. *Provide a strong green infrastructure network across the site that is highly connected to the Lake edge and capable of supporting enhanced biodiversity, recreation, food production and leisure functions*
3. *Provide a clear and defensible Green Belt boundary*
4. *Reinforce and enhance the planting along the Windsor Road frontage to reduce the visibility of the site in the wider landscape*

- 10.11 The proposed development would predominantly take the form of a mix of detached, semi-detached and detached houses of 2 storeys in height, with twelve dwellings at 2.5 storeys. In addition, there are to two apartment blocks in the south west of the site which would be 3 storeys, in height. Overall, the building heights are contextual to the surrounding area. The siting of the apartments is such that they assimilate into the development, well set back from Windsor Road and the existing Thames Hospice building to the east. Importantly, the development would not compromise long distance views from across the lake, in conformity with proforma 9. Within the updated plans, the dwellings adjacent to the lake have a front elevation facing the lake, providing a visually more appealing arrangement, with the gardens, fencing, outbuildings etc, to the rear.
- 10.12 In terms of providing character areas across the site, as mentioned in proforma 8; the buildings have been designed within six character areas comprising:
- Gateway houses at the entrance, defining this area;
  - Windsor Road frontage;
  - Mews character houses arranged in a courtyard;
  - Village Green where homes are arranged around the central area of public space;
  - Houses arranged to face the street running along the north eastern part of the site; and,
  - Detached lake frontage houses.
- 10.13 The buildings have been designed with a palette of red brick, timber boarding and buff brick detailing, clay and slate roof tiles, white eaves and fascias. Officers note the different shades of red brick used on each of the dwelling types on pages 27 to 30 of the updated Design and Access Statement (Revision A - March 2023). Therefore, one shade of red brick for all the dwellings would not be appropriate for this development. Different brick types shall be expected on the dwelling types, as highlighted in the Design and Access Statement. The materials planning condition, shall ensure further precise detail of the materials to be used prior to development above slab level. Subject to planning condition, each area has a differing building style, detailing and use of material. This ensures that there is a range of building styles and forms across the site. The spaciousness between the dwellings is considered acceptable and is discussed further in the residential amenity section below. The density of housing is in line with the BLP expectations, and the internal road / pavement network has been confirmed as acceptable in width terms.
- 10.14 There is a single main vehicle access to the site from Windsor Road, (the highway safety implications are discussed in Highways section below). The location of the vehicle access, opposite the Bray Parish Cemetery, does not include residential dwellings opposite, thus minimising loss of residential amenity from car headlights exiting the site. Within the host site, adjacent to the southern frontage, a shared pedestrian / cycle route runs parallel to the A308. This links up to the western permissive path that connects with the National Cycle Link 4. There is a separate pedestrian / cycle access into the site from the south eastern corner.
- 10.15 The layout has been designed with a central Local Equipped Area of Play (LEAP) which provides a focus within the site. The main road through the site also provides for three main tree lined street and a positive desire line to the lake edge. There is a pedestrian path both to the west linking to the permissive right of way and also a link to the north, to the circular path around Bray Lake. Although landscaping is not included within this submission and shall be subject to a further Reserved Matters

application. The layout contains suitable and sufficient space for tree planting, landscaping and soft verges within the site.

- 10.16 The northern most section of the site, adjacent to the lake is given over to public open space, biodiversity and an attenuation pond. The western boundary retains space for the public footpath and includes areas for additional landscaping / boundary screening. The southern portion of the site retains the tree line and the residential buildings lines are set back from the tree line accordingly (the Tree Section below discusses the impact further). Most of the existing trees are to be maintained in the build out (minus those lost for the new entrance). The eastern boundary edge shall include the rear garden fencing only, there is no residential development in close proximity to the eastern boundary. This helps soften and stagger the appearance of the development from wider views. Overall, the layout responds positively to the proforma brief and no objection is raised.

**iv. Neighbouring Amenity**

- 10.17 Policy QP3 of the BLP requires new development to have regard to a number of design principles. Policy QP3 (m) requires development proposals to demonstrate that there would be no unacceptable effect on the amenities enjoyed by the occupants of adjoining properties in terms of privacy, light, disturbance, vibration, pollution, dust, smell and access to sunlight and daylight". This echoes the objectives of paragraph 130(f) of the NPPF (2023) that developments should "create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users".
- 10.18 Existing vegetation screening around the south and western boundaries in particular will be mostly retained. Also, there is scope within the layout for additional landscaping screening to the western boundary. Even without the landscaping, all the separation distances are equal to or in excess of the standards for separation distances between 2 storey and 2.5 storey dwellings as set out in the Residential Design Guide. Collectively, Officers are satisfied acceptable residential amenity levels shall be achieved for both existing and future residents. The offsets to the residential dwellings and hospice to the south and east respectively, ensures no significant impact on existing residential amenities. All the new dwellings, have private amenity space in the form of rear gardens. An area of communal amenity space is provided for the two apartment blocks. Collectively, Officers consider that an acceptable level of private amenity space has been provided across the development, with many of the gardens in excess of the standards set out in the Borough Wide Design Guide SPD. Officers would also highlight the fact that the host site benefits from a significant area of public open space around the lake itself and a generous LEAP area in the centre of the site for future residents to enjoy.
- 10.19 The layout of the proposal has been designed to ensure that suitable separation distances are achieved between proposed dwellings within the site. In line with the Borough Wide Design Guide SPD, the scheme achieves the required separation distances for two storey homes of 10m front-to-front across streets, 20m rear to rear of dwellings and 12m flank wall to rear of home distances in most cases. Where there is a slight reduction in the aforementioned guidelines, the dwellings are often set at more oblique angles to account for any reduction. Finally, Officers consider all windows openings above ground floor level on the side / flank elevations of the new residential houses, should be obscure glazed with a top opening, to maintain privacy, again detailed as a planning condition.

- 10.20 Policy EP1 of the BLP, requires developments to have an acceptable impact on environmental quality and landscape, *both* during the construction and when completed. Policy EP2 of the BLP requires development proposals to demonstrate that they do not significantly affect residents within or adjacent to an Air Quality Management Area (AQMA) or to residents being introduced by the development itself. The host site is located adjacent to Bray/M4 Air Quality Management Area and the development proposal has the potential to affect local air quality during both the construction and the operational phase. As such, the application has been submitted alongside an Air Quality Assessment - AQA (Redmore Environmental 21st April 2022) in order to address the impact of the proposed works on local air quality during these times.
- 10.21 The AQA accepts that air quality could be lowered during the construction phase however, suggests a series of development good practice control measures to mitigate this, see Table 19 (Fugitive Dust Emission Mitigation Measures) of the AQA. The development will be conditioned to ensure the construction works shall be undertaken in accordance with the measures set out in the AQA. Post the construction phase, the AQA includes a dispersion model study of the local air quality conditions and the potential impact from additional vehicle exhaust emissions resulting from the new residential units. The report concludes that the predicted annual mean nitrogen dioxide concentrations at the receptor points would be below relevant air quality objectives. This conclusion has been accepted by the Council's Environmental Health Officer. Part of the mitigation measures following completion of the development shall include the implementation of a Travel Plan (to encourage less use of the motor vehicle and promote the use of sustainable transport hence lower emissions locally). The Travel Plan shall be secured and monitored via the Section 106 agreement. Further mitigation measures include external offsite improvements including the update of the nearby bus shelters and the provision of a zebra crossing via S106 agreement, and secured, covered cycle parking for all dwellings. Collectively, these shall encourage sustainable modes of transport, thus reducing car fumes. Overall, subject to the aforementioned planning conditions, the proposed development both during construction and operational phase, would have an acceptable impact on air quality in the surrounding area.
- 10.22 Policy EP3 seeks to control and avoid light pollution, where this could have a negative effect on neighbouring resident amenity, the rural character or biodiversity. No lighting scheme has been submitted however Officers consider this could be controlled suitably via a lighting planning condition, including a light spillage plan. The neighbouring hospice's lighting is not considered to significantly affect future residents as based on the approved lighting strategy/landscaping for the hospice, the light spill does not cross the boundary planting and is on a timer.
- 10.23 Policy EP4 of the Local Plan seeks to avoid and mitigate against noise pollution for existing and proposed dwellings. During the construction phase, noise would be an issue for the neighbouring dwellings. However, this would only be in the short term. During the operational phase of the development, the Environmental Health Officer (EHO) notes the use of Air Source Heat Pumps (ASHP) that are to be used on all the dwellings. The EHO cautions that they can have a dB rating of greater than 68dB, and that details of the ASHP should be submitted which include any mitigation required to prevent the loss of amenity, especially for the existing dwellings on the western side of the site. Across the development, Officers consider a condition to ensure the ASHP's generate less than 68dB of noise to prevent the loss of amenity is necessary. Also, the details of the position and possible noise mitigation requirements shall be sought for those dwellings on the western boundary next to the public footpath, for residential amenity and visual amenity reasons. The 'Noise Assessment' Rev B by M.E.C Acoustic

Air (March 2023), confirms the new dwellings would require noise mitigation measures from both Windsor Road and the nearby M4. To achieve this, both a 2m high acoustic fencing is required for the garden with boundaries adjacent to the Windsor Road and also appropriate glazing and ventilation to all the new dwellings. The development shall be required to be built in accordance with the mitigation measures detailed within the Noise Assessment Report.

**v. Affordable Housing**

10.24 Policy HO3 of the BLP states that the Council will require all developments for 10 dwellings gross to provide on-site affordable housing in accordance with the following:

- a. On greenfield sites providing up to 500 dwellings gross - 40% of the total number of units proposed on the site;
- b. On all other sites, (including those over 500 dwellings) – 30% of the total number of units.

Policy HO3 goes on to set out that affordable housing size and tenure mix shall be provided in accordance with the Berkshire Strategic Housing Market Assessment 2016, or subsequent affordable housing needs evidence. This currently suggests a split of 45% social rent, 35% affordable rent and 20% intermediate tenure overall. The Site Allocation proforma is also relevant and requires the provision of 40% affordable housing provision on this site.

10.25 The proposed development would provide 40.4% affordable housing with 40 dwellings offered up for this purpose. This level of provision complies with the proforma requirements and BLP policy HO3. The mix of units sizes, in this case includes:

- 6 x one bedroom apartments
- 12 x two bedroom apartments
- 10 x two bedroom houses
- 11 x three bedroom houses
- 1 x four bedroom home

	<b>1 Bed Apart</b>	<b>2 Bed Apart</b>	<b>2 Bed House</b>	<b>3 Bed House</b>	<b>4 Bed House</b>	<b>Total</b>
Social Rent	3	6	4	4	-	17 (42%)
Afford Rent	3	6	2	3	1	15 (38%)
Intermediate Tenure	-	-	4	4	-	8 (20%)
<b>Total</b>	<b>6 (15%)</b>	<b>12 (30%)</b>	<b>10 (25%)</b>	<b>11 (28%)</b>	<b>1 (2%)</b>	<b>40 (100%)</b>

The Council’s Housing Enabling Officer accepts this mix and also the tenure mix of social rent (42%), affordable rent (38%) and shared ownership (20%). This would be secured as part of the required legal agreement. The legal agreement would also secure a Registered Provider and appropriate delivery mechanisms for constructing, completing and transferring the affordable units. The proposal therefore complies with the proforma requirements and BLP policy HO3, with the proposed affordable housing provision.

## Housing Mix

10.26 Policy HO2 of the Borough Local Plan states that provision of new homes should contribute to meeting the needs of current and projected households and provide an appropriate mix of dwelling types and sizes, reflecting the most up to date evidence set out in the Berkshire Strategic Housing Market Assessment (SHMA). The market provision accounts for 59 dwellings. These are either:

- 36 x 3 bed roomed houses (61%)
- 11x 4 bedroom dwellings (18%)
- 12x 5 bed roomed houses (12%)

Tenure	Type	Bedrooms	No.	Sub-Total
<b>Market</b>	House	3	36	59 (59.6%)
	House	4	11	
	House	5	12	
<b>Affordable</b>	Apartment	1	6	40 (40.4%)
	Apartment	2	12	
	House	2	10	
	House	3	11	
	House	4	1	
<b>Total</b>			99	99 (100%)

10.27 There are no 1 or 2 bedroom market flats or houses provided. However, as noted in the BLP proforma, there is a requirement to provide family homes with gardens. This aligns with the Council's latest evidence in the RBWM Authority Monitoring Report, AMR (2022), where the Borough has been overproviding 1 and 2 bed dwellings. Also, given the overall densities required to achieve the number of dwellings set out in the BLP and the fact that the location is not necessarily conducive of 1 and 2 bedroom units (that would be expected in more central locations), the market housing mix is considered acceptable for this location.

10.28 Within the housing mix there are 3 (5%) dwellings capable of M4 (3) regulations and 38 (64%) capable of M4 (2) compatibility. In order to ensure compliance with policy HO2 which seeks to ensure that new homes contribute to meeting the needs of current and projected households. A planning condition is recommended to secure 30% of the dwellings to be delivered as accessible and adaptable dwellings in accordance with Building Regulations M4(2), and 5% of the dwellings to meet the wheelchair accessible standard in Building Regulations M4(3).

### **vii. Highway safety**

10.29 Paragraph 111 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy IF2 of the Borough Local Plan 2013-2033 sets out that new development should provide safe, convenient, and sustainable modes of transport.

- 10.30 The application has been submitted alongside both a Transport Statement (TS) and a Framework Travel Plan (TP). The site is located to the north of A308 Windsor Road, between Windsor and Maidenhead, with residential dwellings to the south and west, Bray Lake to the north, and the recently built Thames Hospice to the east. The site is located within walking distance to a number of public bus stops, most notably opposite the host site in both directions, with bus routes 16 and 16a running along this part of the A308 to Windsor Town Centre and Maidenhead.
- 10.31 The site has been allocated for residential development and the principle of such a use is acceptable, subject to demonstrating that the proposals would not result in material harm to the safe operation of the surrounding highway network. The proposal involves the retention of existing permissive footpath that runs parallel with the western boundary and the addition of a northern connection to the footpath around Bray Lake. The A308 itself has been designated to become a 30 mph between Monkey Island Lane and the M4 bridge. This was agreed at the Council's cabinet on the 27<sup>th</sup> September 2023. The team managing the Traffic Regulation Order speed changes have advised Officers that the changes are currently being designed and due to be installed in Spring/Summer 2024, subject to final spending panel review.
- 10.32 The proposed development would be served by a simple priority junction off the A308. The access would be 6m wide and would achieve visibility splays of 2.4m x 91m to the north west and 2.4m x 93m to the south east. The TS outlines that this has been assessed by an Independent Stage 1 Road Safety Audit, and together with the demonstrated visibility splays, the proposed access to the site is deemed safe. Importantly, the applicant has accepted the provision of a zebra crossing in a location near to the proposed access, via legal agreement. This shall help with the regulation of traffic flow as well as a formalised crossing to Holyport Primary School of which there is currently no provision. Officers note the circa 740 car movements in both directions during the peak hours on the A308. However, the submission documents provide details of the expected trip generation as a result of the proposed development of the site, as well as junction capacity modelling in the surrounding area. The expected additional trip generations associated with the development are circa 51 and 49 two-way vehicle movements in the AM and PM peak hours respectively.
- 10.33 The Highways Officer has reviewed the submission details and confirmed the methodology and survey period within the TS is acceptable. Ultimately, it has been demonstrated that the additional trip generation associated with the proposed development would not result in material harm to the safe operation of the surrounding highway network. Furthermore, capacity testing has demonstrated that the proposed site access arrangement would operate without any noticeable queuing or delay. The Highways Officer considers the proposed zebra crossing, the expected 30 mph road speed and other vehicles leaving existing dwellings along the A308. Collectively, shall allow for breaks in the traffic flow during peak hours, mitigating against queuing, thus not requiring a 'ghost right turn'. It is also worth noting the Hospice AM peak is an hour earlier than the residential development's AM peak of 8:00 to 9:00. In the event that the reduction in speed limit isn't implemented and the road remains at 40 mph, the Highway Officer is still not in objection to the proposal. However, the Highways Officer has confirmed if the road speed remains at 40mph, an alternative signalised crossing, such as a Pelican Crossing, will be required. The agent has not objected this arrangement, and this is subsequently included in the legal agreement.
- 10.34 In addition to the vehicular entrance, a new 2.0m wide footway would be provided on both sides of the proposed site access to provide pedestrian access into the site and connecting to the existing footway along the A308. Dropped kerbs and tactile paving would also be provided on the proposed site access to enable pedestrians travelling

on the A308 to cross the minor arm safely and a 3.0m wide footway/cycleway would also be provided which runs north-west to south-east on the southern border. This would be integrated with the shared surface situated at the end of the cul-de-sacs, providing an improved route along the site frontage for cycling and walking. A planning condition is recommended to secure the construction of the access prior to commencement of any other part of the development. The idea of sharing an access with the hospice is not accepted as this will likely overload the capacity of that access position, also having a severely negative impact on the residential amenity for the existing dwellings opposite. The chosen access position benefits from having no residential dwellings opposite, only Bray Parish Cemetery that is used intermittently.

- 10.35 Notwithstanding the above, the submitted Framework TP sets out a number of measures to encourage and promote realistic sustainable travel i.e. non-car modes of transport within the area. The aim is to reduce single car journeys generated by the site and the associated impact on the local and strategic highway network. The proposed measures and targets set out within the TP, include, but not limited to, the use of a Residential Travel Information Pack upon occupation which includes a sustainable travel voucher to the first owner of each dwelling and details of local public transport and car sharing schemes. The TP shall be secured via legal agreement prior to occupation, with associated monitoring and implementation.
- 10.36 The proposed development would provide for 218 allocated car parking spaces across the site to serve the 99 residential dwellings, along with 11 unallocated visitor spaces, 229 spaces in total. This is in line with the current RBWM Parking Strategy requirements and provision of these spaces prior to occupation would be secured by recommended condition. This condition shall include a scheme to ensure the limited number of offsite parking spaces are used by the allotted dwelling only. The TS shows space within garages to accommodate the necessary amount of cycle parking for both three and four bedroom dwellings. With regards to the 1 and 2 bed flats, there are 18 in total with a combined 30 bedrooms. The proposed bike store for the flats accommodates 23 spaces (a policy compliant number is 24). However, the store can accommodate two tier stands and this shall take the figure to 30, or 1 space per bedroom. This is recommended to be secured via planning condition and no objection is raised.
- 10.37 The submitted TS includes details of a vehicle swept path analysis which has been undertaken of the site layout in order to demonstrate that refuse vehicles and servicing and fire tender vehicles can enter and exit the site. The submitted documents demonstrated that the layout is such that this can be achieved and accordingly, there would be no material harm on the surrounding highway network in this regard. A planning condition is recommended to secure details of refuse and recycling provision for the residential units prior to occupation. Given the layout, including the turning heads internally, (shown on the swept path analysis for refuse vehicles) a bin lorry can safely navigate the site.
- 10.38 The required S278 agreement would secure the provision of the new access on the A308 (as set out above) and the associated footway. The site allocation identifies that the development should be well-served by public bus routes/demand responsive transport/other innovative public transport solutions, with appropriate provision for new bus stop infrastructure, such that the bus is an attractive alternative to the private car for local journeys. In this regard the applicant has committed via the legal agreement, to pay up to £10,000 for two dedicated bus shelters opposite the host site on Windsor Road. The Transport Policy Manager has accepted this figure shall cover the upgrade requirements. Other highway improvements works include the implementation and monitoring of the Travel Plan and the provision of a formal zebra crossing in a position



to be agreed in close proximity to the entrance to the site. Overall, the design and mitigation elements associated with the access and highway safety are considered acceptable in this instance.

**viii. Flooding and Sustainable Urban Drainage**

10.39 Policy NR1 of the adopted Borough Local Plan advises: 'Within designated flood zones development proposals will only be supported where an appropriate flood risk assessment has been carried out and it has been demonstrated that development is located and designed to ensure that flood risk from all sources of flooding is acceptable in planning terms.' Accordingly, the application has been submitted alongside a Flood Risk Assessment (FRA) and Drainage Strategy.

10.40 Policy NR1 6) states: Development proposals should:

- a) increase the storage capacity of the floodplain where possible
- b) incorporate Sustainable Drainage Systems in order to reduce surface water run-off.
- c) reduce flood risk both within and beyond the sites wherever practical
- d) be constructed with adequate flood resilience and resistance measures suitable for the lifetime for the development
- e) where appropriate, demonstrate safe access and egress in accordance with the Exception  
Test and incorporate flood evacuation plans where appropriate.

**Fluvial Flooding**

10.41 In terms of fluvial flood risk, the proposed more vulnerable development (dwellings themselves) would be located within Flood Zone 1 (FZ1), with the areas closest to Bray Lake (which are within Flood Zone 2 and 3) kept free of residential development. This area includes the attenuation pond, ecology buffer and landscaping. Officers have sought clarification from both the Environment Agency (EA) and the applicant in relation to the exact location of Flood Zones 2 and 3 as the areas shown in the submitted FRA differ slightly from the EA general maps. However, the applicant confirmed their Flood Zone modelling has regard to the correct ground levels and is taken from the Thames (Hurley to Teddington) 2019 hydraulic model provided by the EA. This is a more accurate mapping system than the publicly accessible EA maps.

10.42 The EA themselves have accepted this conclusion and offered no objection. Officers therefore accept that all the buildings are located in FZ1. Notwithstanding this fact, the FRA confirms all the buildings on ground floor will have finished floor levels at least 300mm above ground level, secured via planning condition. A very small amount of the rear garden area of plot 54 is located in flood zone 2 and 3. However, Officers accept this area will be maintained at existing ground level (Planning permission is required for raising the ground level more than 300mm) and therefore there will be no loss in floodplain storage, ultimately not affecting the risk of flooding elsewhere.

10.43 Although the EA have offered no objection to the proposal (they are lead authority in terms of fluvial flooding), they have recommended two conditions to ensure that the development would not be at risk of flooding, or increase flood risk in the surrounding area. These include a requirement to ensure that the development is carried out in accordance with the submitted FRA and its mitigation measures such as finished ground floor levels being raised above the predicted 100 year flood water level. Also, a condition that no development takes place until a scheme for the provision and

management of a 10m buffer zone alongside Bray Lake which is free of built development has been provided. Both these conditions are agreed with and included in the recommendation.

- 10.44 Policy NR1 of the BLP states that a sequential test for all development in areas at risk of flooding is required except for those allocated in the BLP or a Made Neighbourhood Plan. As the site forms part of the AL26 Site Allocation, there is no requirement for a Sequential Test to be undertaken. Furthermore, as there is no housing proposed or access routes within flood zone 2 or 3, Officers do not consider there is a requirement to apply the exception test (the proforma 14 requirement would not have been aware of the layout proposed hence the wording. Nevertheless, in accordance with the proforma requirement 14, the Flood Risk Assessment requires a demonstration that a safe evacuation route can be provided. This is due to the very north of the site being within flood zone 2 and 3.
- 10.45 In terms of ensuring the development will be safe for its lifetime, given the dwellings are located only in Flood Zone 1, it is clear that the development will be safe for its lifetime by virtue of the proposed dwellings and their access routes being unaffected by any future extreme flood events. From the northern most road parallel to Bray Lake, there are in effect three routes south (away from flood zone 2 and 3) across the site, two roads (central and east) and the pedestrian footpath (to the west). There is no 'dry island' of Flood Zone 2 or 3 encroaching further south. Officers consider there is suitable, clear and obvious means of escape in this instance, people can go to safely to Windsor or Maidenhead via the A308 (flood zone 1).

#### Surface Water Drainage

- 10.46 The objectives of Policy NR1 require development proposals to increase the storage capacity of the flood plain where possible, incorporating SuDS systems, reduce flood risk and be constructed with adequate flood resilience.
- 10.47 The proportion of the site that is formed of hard surfaces will increase to approximately 46% following the proposed development. The FRA highlights it is not feasible to discharge the water run off to ground via soakaways, due to the shallow depth to groundwater. Also, the ground conditions were not suitable for infiltration. Therefore, the site surface water will continue to discharge to Bray Lake via prior to attenuation. This method has been agreed and accepted by the LLFA. The drainage system shall work at or below existing greenfield rates for the 1 year, 30 year and 100 year return period events including a 40% allowance for climate change. The FRA recommends utilising the 'Green Spaces' for bioretention and ecology, including tree pits, filter strips, swales, permeable surfaces and filter drains. Also, the FRA recommends that the proposed dwellings have a minimum finished floor level of at least 23.12mAOD, or 300mm above the flood level of the design event. These measures shall be secured via planning condition.
- 10.48 The LLFA have confirmed the submitted information demonstrates that subject to a further sustainable drainage strategy condition, the proposals have been designed to take into account and satisfactorily address surface water flood risk within and around the surrounding area. The management and maintenance of the drainage network, including the permeable surfacing and gravel subbase will be the responsibility of the freeholder and / or management company for the site, this shall be secured via the planning condition. Overall, the LLFA is satisfied that the proposed Flood Risk Assessment and Surface Water Drainage Strategy, subject to the aforementioned planning condition, would result in acceptable impacts on flood risk and drainage on site.

10.49 In terms of with a private foul water treatment. The applicant proposes to connect to a mains sewer. Thames Water has confirmed the scale of the proposed development doesn't materially affect the sewer network and they have no objection. The details of the onsite foul water drainage system have not been provided. However, Thames Water has not objected to this deficiency of detail, they have instead requested a pre commencement planning condition covering this aspect. Thames Water state that network reinforcement works may be required too accommodate the proposed development. Also, that any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. Therefore, a pre commencement drainage condition is included in the list of conditions. Furthermore, due to the slopes on site, it is considered a pumping station facility/s maybe required and the position of which needs to be acceptably sited in planning terms.

**ix. Ecology and Biodiversity**

10.50 Policy NR2 of the BLP requires applications to demonstrate how they maintain, protect and enhance the biodiversity of application sites, avoid impacts, both individually or cumulatively, on species and habitats of principal importance. Accordingly, the application has been submitted alongside an Ecological Appraisal by Ethos Environmental and a Biodiversity Net Gain (BNG) Assessment.

10.51 The application has been assessed by the RBWM Ecology Department, who confirm a number of ecologically valuable habitats on or adjacent to the site which are likely to qualify as Priority Habitats. While Bray Pit Reserve Local Wildlife Site (LWS) lies adjacent to the site. These species include broadleaved woodland and species rich hedgerows around the boundaries. However, the plans demonstrate that there would be a buffer of 10m from the lake, with the retention and protection of the woodland and the majority of the hedgerows. The in-house Ecologist accepts this is appropriate, while further mitigation and compensation measures have been provided within the submitted ecology reports. The full details of the ecology mitigation and compensation can be established within a Construction Environmental Management Plan (CEMP: Biodiversity) planning condition, as recommended by the Ecology Officer.

10.52 To provide for the access and development, a small number of trees would be lost along the southern boundary of the site. Whilst acceptable in principle from a habitat perspective, the future Reserve Matters planning application shall ensure any replacement trees to be native species of provenance.

10.53 RBWM Ecology Department confirm that the existing trees on site have all been surveyed for bats, no trees on site were recorded as having the potential to support roosting bats. As such, no further surveys or mitigation for roosting bats is required. The wider boundaries of the site were recorded as providing good habitat for commuting and foraging bats and a number of bat species were recorded during the further surveys. Nevertheless, the Council's Ecologist confirms that as almost the entire boundary habitats of the site are to be retained and buffered, it is not expected there would be significant effect on commuting and foraging lines. In addition, the proposed green infrastructure across the site could provide further habitats for bats.

10.54 The submitted surveys demonstrated that there were some light sensitive bat species that were recorded on site during the survey. Officers recommend a condition to secure the submission of a light sensitivity strategy to be implemented across the development in order to minimise the negative impacts of lighting at the site, on ecology.

- 10.55 With regards to other Protected species, the RBWM Ecologist confirms the site does not have the potential to support water vole and no badger signs or setts or dormice were recorded. Furthermore, the majority of the site does not contain suitable habitat for great crested newts (GCN). Whilst there are three lakes within 500m of the proposed development, these are considered unsuitable to support GCN given the size and the presence of waterfowl and fish. The site itself is also within the green impact risk zone for GCN meaning that GCN are unlikely to be present, the Nature Partnership also agree with this conclusion. However, the site does have the potential to support hedgehogs, otters and nesting birds. Suitable mitigation measures are included within the (CEMP) planning condition.
- 10.56 Paragraph 175 of the NPPF states that “opportunities to incorporate biodiversity improvements in and around developments should be encouraged”. Policy NR2 of the BLP also requires proposals to identify areas where there is opportunity for biodiversity to be improved and, where appropriate, enable access to areas of wildlife importance. Where opportunities exist to enhance designated sites or improve the nature conservation value of habitats, for example within Biodiversity Opportunity Areas or a similar designated area, they should be designed into development proposals. Development proposals will demonstrate a net gain in biodiversity by quantifiable methods such as the use of a biodiversity metric.
- 10.57 A BNG assessment has been undertaken and concludes that the development would result in a net gain in biodiversity of 20.4% habitat units, and a net gain of 19.51% for hedgerows. The previous survey did not include the urban trees within the biodiversity net gain calculations. Officers accept that from this updated assessment a biodiversity net gain can be achieved at the site. The scheme is therefore, subject to planning condition, compliant with the NPPF and NR2 of the Borough Local Plan in terms of biodiversity net gain.

**x. Impact on existing Trees**

- 10.58 Policy NR3 of the BLP sets out that development proposals should carefully consider the individual and cumulative impact of proposed development on existing trees, woodlands and hedgerows, including those that make a particular contribution to the appearance of the streetscape and local character/distinctiveness. Further to this, the BLP proforma requires the retention of the valuable trees and hedgerows, particularly at site boundaries and the reinforcement and enhancement the planting along the Windsor Road. In terms of the impact on the trees, the application has been submitted alongside an Arboricultural Impact Assessment (AIA) by Lizard Consulting. In order to facilitate the proposed access, the development would result in the loss of two Category C groups of trees and two Category U trees. In accordance with the BS 5837 grading, such trees should not act as a limitation on the effective use of the site or impose any significant constraints on the layout. In this context, the removal of these trees is acceptable to facilitate the access and the visual impact of the proposed tree losses would be minimal.
- 10.59 Mitigation of the tree loss is proposed in the form of replacement planting along the site frontage to enhance the character of the area and reduce visibility of the site. This would be secured by condition, with the landscaping details across the wider site provided as part of the reserved matters application. All other Category A, B and C trees on the site and within the surrounding area would be retained. However, the tree plan shows plot 1, 88 and 99 slightly encroaching into the root protection areas of the existing trees. Within these areas hand tools shall be used for the excavation. All the other dwellings are outside the root protection areas. The southern road / path shall be mostly within the root protection areas of the existing trees to the south. However

as stated within the submitted AIA, tree work will be carried out to the standards set in BS3998 and current industry guidelines, using 'no dig' construction techniques. The depth of the works for the path / road shall also be considerably shallower than that required for building foundations. A planning condition shall secure appropriate tree protection measures during development works.

**xi. Landscape and Open Space**

10.60 The BLP proforma requires the site proforma requires a clear and defensible Green Belt boundary with a high quality public open space along the Lake Edge. Policy QP3 requires high quality soft and hard landscaping where appropriate within new developments. As mentioned above, landscaping is not assessed as part of this application. However, space for landscaping (such as tree planting, boundary planting screening and the provision of a LEAP) needs to be shown in the layout plans. The layout certainly provides such space for significant tree planting within the site layout. Such tree planting shall help soften the development and provide, in places, tree lined streets, in accordance with paragraph 131 of the NPPF, that is concerned with such provision. These areas also contribute towards the spacious character of the layout.

10.61 The wider open space provision is focused on two main areas, the northern most section of the site adjacent to the lake edge and a central LEAP area (circa 775 m<sup>2</sup>). The Open Space Study 2019 indicates that there are no LEAPS in area (see fig 11.2 of the Open Space Study). Therefore, the applicant has agreed to provide such a facility on site. Policy IF4 of the BLP requires new open space and play facilities for children and young people on sites allocated for new housing, while the requirement for leisure and recreation is raised in the first site proforma. The LEAP shall be secured via legal agreement, the provision of a LAP is not considered necessary, due to the nearby Holyport Playground also if this was provided to the north, its near the lake and in the flood plain. Furthermore, the layout provides a sizable area of public open walking around the Lake. This is accessed via a new footpath to the north and a path westward to the existing public right of way. Subject to the signed legal agreement and the Reserved Matters landscaping proposal, Officers are content with the landscaping and open space provision.

**xii. Contaminated Land**

10.62 Policy EP5 of the BLP seeks to ensure that development proposals do not result in contamination to local land or water resources. Furthermore, if the land is suspected of being contaminated, it can be appropriately remediated, to remove the potential harm to human health and the environment. A Ground Investigation Report - GIR (Aviron December 2020) has been submitted in connection with this planning application. This report concludes that potential bio ground gas sources such as methane and carbon dioxide, have been found on site and within local landfills within the vicinity of the site. The report recommends a continuation of the gas monitoring from the provisional two rounds already carried out, where such gases were found. Furthermore, the report recommends a raft of mitigation measures for the new dwellings as detailed on page 16 (table 5) of the GIR. The report states that based on the level of surveying undertaken; the site is not at risk of radon gas and the soil is not contaminated to levels so as to be a risk to human health. However, further surveys are advised within the GIR to establish the exact levels of contaminants on site and, if necessary, further appropriate mitigation measures.

10.63 The Environmental Protection Officer has reviewed the findings of the report and concluded no objection to the development proposal in principle subject to a full land contamination condition. Such a condition shall require further intrusive surveys of the

ground, as detailed in part 1 of the condition, while part 2 of the condition requires a submission of a remediation scheme. Collectively, strict adherence to this condition shall remove or mitigate any unacceptable risks to human health, buildings and the natural environment. Such measures are likely to include those detailed on page 16 (table 5) of the GIR. Therefore, subject to the aforementioned full land contamination planning condition, no objection is raised.

**xiii. Minerals Safeguarding Area**

10.64 The proforma requires the applicant undertake a minerals assessment to assess the viability and practicality of prior extraction of the minerals resource, as the site falls within a Minerals Safeguarding Area. The Ground Investigation Report (Aviron December 2020) demonstrates that the current composition of the site originates from topsoil and a silty out-wash from the gravel extraction process. This suggests that minerals have already been extracted from the site. The Minerals Assessment (Wardrop Minerals Management Limited received 5<sup>th</sup> Oct 2023) provides more evidence to confirm that mineral extraction has taken place. The Minerals Assessment also references the British Geological Survey 2003 records and provides photographic evidence of the site in the process of restoration. Collectively, Officers consider the mineral safeguarding aspect is addressed, as the minerals have already been extracted from the site. This conclusion is agreed with via the Minerals and Waste Policy consultant. No further planning conditions are recommended on this aspect.

**xiv. Archaeology**

10.65 An Archaeological Desk-Based Assessment (June 2021) by the RPS Group has been submitted with this application. The report states that in terms of relevant designated archaeological assets; no World Heritage Sites, Scheduled Monuments, Historic Battlefields, or Historic Wreck Sites lie within the immediate proximity of the host site. Furthermore, the host site is not located in an area of designated archaeological priority. However, there is a theoretical possibility of prehistoric and or Roman features in the area. This notwithstanding, the report concludes programme of gravel extraction undertaken within the host site area during the late 20th century will likely to have removed all existing archaeological deposits in the area. Officers agree with this conclusion.

10.66 The neighbouring hospice site had an archaeology planning condition associated with it. However, this was not recommended either by the LPA's archaeologist or the expert report submitted with the application. Indeed, the condition was subsequently removed via application 18/02013/VAR. As such, no such planning condition is recommended in this instance.

**xv. S106 and Other Infrastructure requirements**

10.67 The following heads of terms has been agreed with the applicant:

- On-site policy compliant affordable housing;
- 40% on-site affordable housing (40 dwellings)
  - 42% Social Rent
  - 38% Affordable Rent
  - 20% Shared Ownership
- Delivery and maintenance of site open space provision (LEAP)
- Landscape, footpath and non-adopted roads and pavement provision and maintenance

- Carbon off-set contributions £236,371.00
- Travel plan and associated monitoring fee
- Bus shelter improvements (up to £10,000 pounds for the two bus stops outside the host site)

10.68 There is a separate S278 agreement that has been accepted by the applicant to provide for the offsite Highways works. These include:

- The provision of a Zebra crossing near to the proposed entrance or in the event that the road remains at a 40 mph speed limit, a signalised crossing such as a Pelican or Puffin Crossing (to be agreed by the Highway Authority) Pedestrian footpath improvements near the entrance of the site.

10.69 It is considered these contributions are directly related to the proposed development and the amount of contributions are fairly and reasonably related in scale and kind to the individual development. Given the above, providing a signed S106 for infrastructure contributions and S278 off site Highway improvements, on a pro-rata basis, accords with the site proforma set out in AL26 of the BLP.

## 11. COMMUNITY INFRASTRUCTURE LEVY (CIL)

11.1 The development would be liable to pay CIL based on the following:

<b>Reason for liability</b>	New residential development
<b>CIL Charging Rate</b>	£131.48 per sq m
<b>New floorspace</b>	8,731 sq m

$$8.731 \times 131.48 = \text{£}1,147,951.88$$

## 12. PLANNING BALANCE

12.1 The Borough does not have a five-year housing land supply. Therefore, the presumption in favour of sustainable development as detailed in Paragraph 11(d) of the NPPF is engaged. This states that planning permission should be granted unless:

- (i) The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development or:
- (ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

12.2 In this case, the host site is not in a protected area or containing assets of particular importance. Therefore, the development should be assessed under paragraph 11d(ii) which sets out that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

12.3 Paragraph 8 of the NPPF reminds the reader that in seeking to achieve sustainable development, the planning system has three roles, an environmental role to protect

and enhance our natural, built and historic environment; including making effective use of land. An economic role which aims to help build a strong, responsive and competitive economy. Finally, a social objective to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places.

12.4 There are no policies within the NPPF that the scheme is considered to fail on. Officers accept the wide number of local objections to the proposal on chiefly environmental grounds. Yet when tested against the relevant environmental national and local planning policies, the scheme, subject to planning conditions and completed legal agreement, is not objectional. In terms of the social benefits, much needed affordable housing is being provided at a level required within the local plan, together with an onsite LEAP and an off site zebra crossing, with local bus shelter provisions. While economically, the scheme shall boost the economy during the construction phase and via the Cil contributions provide resources for additional local infrastructure. While of course, the host site is also importantly allocated for such housing within the recently adopted Local Plan.

12.5 Overall, there are many benefits to the scheme as follows:

- Delivery of 99 new homes, 40 of which are proposed to be affordable on a site allocated for housing development in the Adopted Borough Local Plan.
- Provision of a reduction in carbon compared to buildings regulations and a contribution to the Borough's carbon off-set fund
- Off site Highway improvements, including the bus shelters opposite the site and the zebra crossing
- Provision of a LEAP on site and connections to the nearby circular walks around Bray Lakes
- Provision of policy compliant biodiversity net gain on site, including a significant increase on tree planting on site from existing
- Provision of family homes in the form of 3 and 4 bed housing for which there is a need in the Borough

### **13. CONCLUSION**

13.1 As set out in the paragraphs above, there are no adverse impacts that cannot be mitigated against, that would significantly and demonstrably outweigh the benefits of the scheme.

13.2 The proposal is compliant with the NPPF, the relevant policies of the BLP, including the site proforma set out in AL26. The application is therefore recommended for approval subject to the recommended conditions and S106 legal agreement.

### **14. APPENDICES TO THIS REPORT**

- Appendix A - Site location plan and site layout
- Appendix B – plan and elevation drawings

### **15. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED**



- 1 Details of the landscaping (hereinafter called the 'reserved matters') shall be submitted within 3 years from the date of this permission.  
Reason: To accord with the provisions of the Town and Country Planning (General Development Procedure) Order 1995.
  
- 2 The Development shall commence within two years from the date of approval of the last of the reserved matters.  
  
Reason: In accordance with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).
  
- 3 Prior to the commencement of the development above slab level samples of the materials to be used on the external surfaces of the development as shown on pages 27 to 30 of the updated Design and Access Statement (Revision A - March 2023) submitted with this application; shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.  
Reason: In the interests of the visual amenities of the area. Relevant Policy QP3 of the adopted Borough Local Plan
  
- 4 Notwithstanding the details submitted on the hereby approved plans. Unless otherwise agreed by the Local Planning Authority, all the W/C, bathroom, ensuite and stairwell / hall window openings above ground floor level on the side / flank elevations of the residential houses, shall be obscure glazed to a minimum of level 3 within the Pilkington Range of glazing, and shall be non-opening below a height of 1.7m above the associated floor level, and shall be retained in accordance with these details and not altered.  
Reason: to protect the privacy of neighbouring occupiers.
  
- 5 Prior to the installation of any external lighting, a report detailing how the external lighting scheme will not adversely impact upon wildlife or residential amenity, shall be submitted to and approved in writing by the LPA. The report (if external lighting is to be installed) shall include the following figures and appendices:- A layout plan with beam orientation - A schedule of equipment (height, design, position of lights, details of lights fittings, lamps and hours of use- Measures to avoid glare - An isolux contour map showing light spillage to 1 lux both vertically and horizontally, areas identified as being of importance for commuting and foraging bats, and locations of bird and bat boxes. The approved lighting plan shall thereafter be implemented as agreed.  
Reason: To limit the impact of light pollution from artificial light on nature conservation in accordance with paragraph 185 of the NPPF. To protect the residential amenities of the area and to prevent light according to the Local Plan Policy EP 3. To ensure that the main vehicle access and development is provided with sufficient street lighting for the safety of pedestrians, cyclists and vehicles and in accordance with Policies IF2 and QP3 of the Borough Local Plan
  
- 6 Prior to the installation of the heat pumps, on plots 2, 3, 4, 18, 19, 20, 21, 22 and 32, details of the position, acoustic performance, and possible noise mitigation measures shall have been submitted to and been approved in writing by the Local Planning Authority. The approved scheme shall be installed in accordance with the approved details. Across the entire development no air source heat pump shall be installed unless it generates less than 68dB of noise.  
Reason: These details need careful consideration and formal approval and to safeguard the amenity of adjoining properties and to protect the general environment.

The details are needed prior to the start of work so that measures can be incorporated into the build. Also, due to the location next to a public footpath, in the interests of visual amenity.

- 7 The development shall be constructed in accordance with the mitigation details outlined in the Noise Assessment by 'Noise Assessment' Rev B by M.E.C Acoustic Air (March 2023), to acoustically insulate dwellings and selective gardens.  
Reason: The ensure the amenity of future occupiers of the site and to accord with Policy EP4 of the Borough Local Plan
- 8 The development shall be constructed in accordance with the mitigation details outlined in the Air Quality Assessment (Redmore Environmental (21st April 2022). During the construction phase, the development good practice control measures within Table 19 (Fugitive Dust Emission, Mitigation Measures) of the Air Quality Assessment (Redmore Environmental (21st April 2022) shall be implemented in full.  
Reason: The ensure the amenity of future occupiers of the site and to accord with Policy EP4 of the Borough Local Plan
- 9 Unless otherwise agreed by the Local Planning Authority in writing, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 to 4, as set out below, have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.  
**1. Site Characterisation** An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:-  
a survey of the extent, scale and nature of contamination;-  
an assessment of the potential risks to:-  
human health-property (existing or proposed) including buildings, crops, livestock, adjoining land,-  
groundwater and surface waters,-  
ecological systems,-  
archaeological sites and ancient monuments:-  
an appraisal of remedial options, and proposal of preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11'.  
**2. Submission of Remediation Scheme.** A detailed remediation scheme to bring the site to a condition suitable for intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.  
**3. Implementation of Approved Remediation Scheme.** The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification/ validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the

approval in writing of the Local Planning Authority.<sup>4</sup> Reporting Unexpected Contamination. In the event that contamination is found at anytime when carrying out the approved development that was not previously identified, work must stop and it must be reported immediately by telephone and in writing to the Local Planning Authority within 2 working days. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is the subject of the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.5. Long Term Monitoring and Maintenance. A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over the required period, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's Land Contamination Risk Management (LCRM).

Reason: To ensure that risks from land contamination to the future users of the land and the neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. Relevant Policy Local Plan EP6 of the Borough Local Plan

- 10 Prior to commencement (excluding demolition) a surface water drainage scheme for the development, based on the submitted sustainable drainage strategy, shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:- Calculations to include development runoff rates limited to greenfield equivalents for the 1 in 30 and 1 in 100 year plus climate change events, volumes (attenuation and long-term storage) and topographic details, and any consents required from Thames Water.- Full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert levels, cover levels long sections and cross section and relevant construction details of all individual components.- Water quality discharged from the site should be of sufficient water quality. The applicant is to provide evidence that discharge from the site would be of sufficient water quality that it would not result in detriment to any receiving water course.- Details of the proposed management and maintenance arrangements relating to the surface water drainage system should also be provided, confirming the part that Royal Borough of Windsor & Maidenhead: Delivering Highways & Transport in partnership with: will be responsible. The surface water drainage system shall be implemented and maintained in accordance with the approved details thereafter.

Reason: To ensure compliance with the National Planning Policy Framework and the Non-Statutory Technical Standards for Sustainable Drainage Systems and to ensure the proposed development is safe from flooding and does not increase flood risk elsewhere.

- 11 The development shall be carried out in accordance with the submitted flood risk assessment (ref: Bray Lakes, Windsor Road, Bray Flood Risk and Suds Assessment 20109-FRA-RP-01 Rev C01 dated 25 July 2023), prepared by Water Environment Ltd. In particular all the dwellings (other than the apartments above ground floor) shall be built with ground floor finished floor levels set at least 300mm above the predicted 100 year flood water level in Bray Lake including the recommended allowance for climate

change over the development lifetime. The development shall also include the following mitigation measures detailed in the Flood Risk Assessment: 1. No dwellings shall be sited on land shown to be within the 1% Annual Exceedance Probability (AEP) plus 35% climate change allowance, unless a floodplain compensation scheme is submitted and approved by the LPA that demonstrates no increased flood risk elsewhere. Any dwellings sited within land shown to be within the 1% AEP plus 35% climate change allowance, shall have finished floor levels raised above the 1% annual probability flood with a 35% allowance for climate change flood level and freeboard. 2. No land raising shall take place within land shown to be within the 1% AEP flood with a 35% allowance for climate change, unless a floodplain compensation scheme is submitted and approved by the local planning authority demonstrating no increased flood risk elsewhere. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons: 1) To reduce the risk of flooding to the proposed development and its future users, 2) To ensure flood risk is not increased elsewhere, In line with paragraph 167 of the NPPF.

- 12 No development other than site clearance, shall commence until a scheme for the provision and implementation of foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details prior to the occupation of any part of the development or in accordance with an implementation programme agreed in writing with the Local Planning Authority.

Reason: Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

- 13 No development shall take place until a scheme for the provision and management of a 10m buffer zone alongside Bray Lake has been submitted to, and approved in writing by, the local planning authority. Thereafter, the development shall be carried out in accordance with the approved scheme. Any subsequent variations shall be agreed in writing by the local planning authority, in which case the development shall be carried out in accordance with the amended scheme. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping. The scheme shall include: - plans showing the extent and layout of the buffer zone - details of the proposed enhancements and/or habitat creation within the buffer zone - details of any proposed planting scheme (these must be native species, ideally of local provenance), including the planting around the proposed ponds in the northeast of the site - details demonstrating how the buffer zone will be protected during development and managed over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan - details of any proposed footpaths, fencing, lighting, etc, including the production of a lighting plan as recommended in the Ecological Impact Assessment.

Reasons: Development that encroaches on lakes can have a potentially severe impact on their ecological value. Land alongside lakes is particularly valuable for wildlife and it is essential this is protected. This approach is supported by policy NR2 of the RBWM Local Plan 2013-2033 (adopted February 2022) and paragraphs 174 and 180 of the National Planning Policy Framework (NPPF), which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused.

- 14 No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction, including precautionary measures with regards to the protection of adjacent habitats, otter, reptiles, nesting birds and hedgehogs.
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs.
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.
- Reason: To minimise impacts on biodiversity in accordance with the NPPF.
- 15 No development shall take place until full details of a Biodiversity Gain Plan for on and offsite delivery and monitoring of Biodiversity Net Gain and a Habitat Management Plan has been submitted to and approved in writing by the council. The plans shall deliver at least a 1.83 increase in habitat units and 0.75 increase in hedgerow units. The plans shall be in accordance with the approved biodiversity net gain assessment and shall include (but not limited to) the following:
- a) A habitat management plan
  - b) Long term aims and objectives for habitats
  - c) Detailed management prescriptions and operations for newly created habitats, locations, timing, frequency, durations, methods, specialist expertise (if required), specialist tools/ machinery or equipment and personnel as required to meet the stated aims and objectives
  - d) A detailed prescription and specification for the management of the new habitats
  - e) Details of any management requirements for species specific habitat enhancements.
  - f) Annual work schedule for at least a 30 year period
  - g) Detailed monitoring strategy for habitats and species and methods of measuring progress towards and achievement of stated objectives
  - h) Details of proposed reporting to the council and council ecologist and proposed review and remediation mechanism
  - i) Proposed costs and resourcing and legal responsibilities
- The Biodiversity Gain and Habitat Management Plan shall be implemented in accordance with the agreed details and timetable, and all habitats and measures shall be retained and maintained in perpetuity thereafter in accordance with the approved details.
- Reason: To ensure the provision of biodiversity enhancements and a net gain for biodiversity, in accordance with the NPPF and local policy NR2.
- 16 Prior to the commencement of the development above slab level, details of biodiversity enhancements, to include but not limited to integral bird and bat boxes, bug hotels, bee bricks and holes in the bases of fences for hedgehogs to pass, and the timescales to implement these shall be submitted to and approved in writing by the local planning authority. The biodiversity enhancements shall thereafter be installed as approved in

accordance with the approved details. Reason: To provide biodiversity enhancements within the new development in line with paragraph 180 of the NPPF and local policy NR2.

- 17 The details shown on drawing 'Tree retention and protection plan' Lld2337-arb-dwg-002 rev. 02' are approved as those required in connection with this condition. In order to comply with the condition the approved protection measures as detailed in the 'Arboricultural impact assessment' May 2023 (by Lizard consulting) Rev 02 should be implemented in full prior to the commencement of development and should remain in place until the development is complete.  
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies Borough Local Plan NR3 and QP3.
- 18 No dwelling shall be occupied until covered and secure cycle parking facilities for the relevant dwelling have been provided in accordance with the approved drawing. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.  
Reason: To ensure that the development is provided with adequate cycle parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan IF2 and QP3.
- 19 No dwelling within the apartments shall be occupied until the refuse bin storage area and recycling facilities for that apartment building have been provided in accordance with the approved drawing. These facilities shall be kept available for use in association with the development at all times.  
Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan QP3.
- 20 Each dwelling hereby permitted shall not be occupied until the associated vehicle parking or vehicle parking and turning space for that dwelling has been surfaced and marked out in accordance with the approved drawings. The spaces shall not thereafter be used for any purpose other than parking and turning. The details shall include a scheme to demonstrate how the offsite allocated car parking spaces for the residential dwellings shall be accessed exclusively by the residents of that allocated space.  
Reason: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users and to facilitate vehicles entering and leaving the highway in forward gear and in accordance with Policies IF2 and QP3 of the Borough Local Plan
- 21 Before any dwelling hereby permitted is occupied, details of the design, operation and ongoing maintenance regime for electric vehicle charging infrastructure with a minimum output of 7kW to be provided for all the parking spaces shown on the approved plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the electric vehicle charging infrastructure shall be provided and maintained in working order.  
Reason: In the interests of sustainable transport and in accordance with NPPF paragraph 112 e); at paragraph 107 e), to comply , RBWM's Electric Vehicle Chargepoint Implementation Plan & Policies IF2 and QP3 of the Borough Local Plan
- 22 The development shall be implemented strictly in accordance with the details outlined in the Energy and Sustainability Statement (Blue Sky Feb 2023).  
Reason: in the interests of encouraging sustainable travel to and from the site and Policy IF 2.

23 Notwithstanding the approved plans, the building hereby permitted, 5% of the dwellings (3 in number) shall be built to be capable of M4 (3) regulations and 30% of the dwellings (30 in number) shall be built capable of M4 (2) compatibility to meet the Building Regulations 2010 (as amended 2016).

Reason: To secure the provision of accessible and adaptable dwellings to ensure compliance with policy HO2 and the Building Regulations 2010 (as amended 2016).

24 The access hereby approved shall be laid out and constructed in accordance with the approved plans and shall be retained as such prior to commencement of any other part of the development.

Reason: In the interests of highway safety.

25 Notwithstanding the details submitted on the hereby approved plans. Unless otherwise agreed by the Local Planning Authority, all the first floor rear ensuite window opening (above the garage), shall be obscure glazed to a minimum of level 3 within the Pilkington Range of glazing, and shall be non-opening below a height of 1.7m above the associated floor level, and shall be retained in accordance with these details and not altered.

Reason: to protect the privacy of neighbouring occupiers.

26 No construction work or demolition work shall be carried out or plant operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the adjoining properties.

27 There should be no collections from or deliveries to the site during the demolition and construction stages outside the hours of 0800 hours and 1800 hours on Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the adjoining properties.

28 The development hereby permitted shall be carried out in accordance with the approved plans listed below.

21-J3688-LP Location Plan  
21-j3688-201-f Proposed site layout  
21-j3688-asp-c Access strategy plan  
21-j3688-bhp-c Building heights plan  
21-j3688-c01-h Proposed coloured site layout  
21-j3688-gsp-b Garden sizes plan dated 30/11/23  
21-j3688-hmp-c Housing mix plan  
21-J3688-01-n Proposed Site Layout  
Lld2337-arb-dwg-002-02-trr Tree retention and protection plan  
Arboricultural impact assessment and method statement House Types  
21-j3688-18-c Plots 70-78 & 79-87- elevations  
21-j3688-19-c Plots 70-78 & 79-87 floor plans.  
21-j3688-03-d Plots 3, 34, 35, 41, 43, 44, 50, 51, 52, 53, 55, 56 floor plans & elevations  
21-j3688-11-c plot 32 Floor plans and elevations  
21-j3688-10-b plots 20-22 & 23-25. (affordable) plans & elevations  
21-j3688-09-b plots 17-19 & 65-67 (affordable) plans & elevations  
21-j3688-08-b plots 15 16 26 & 27 (affordable) plans & elevations  
21-j3688-07-b plots 13 & 14. Floor plans and elevations  
21-j3688-06-b plots 11 & 12. Floor plans and elevations  
21-j3688-05-c plots 8 33 36 37 & 40. Plans and elevations  
21-j3688-04-c plots 4 5 6 7 9 10 28 29 30 31 45 46 47 & 48. Plans and elevations

21-j3688-13-c plot 54 Floor plans and elevations  
 21-j3688-12-c plots 42 & 49 Floor plans and elevations  
 21-j3688-14-b plots 57-60 Elevations  
 21-j3688-15-a plots 57-60 Floor plans  
 21-j3688-02-b plots 1 & 2 Floor plans and elevations  
 21-j3688-23-b plots 98 & 99 Floor plans and elevations  
 21-j3688-22-b plots 92 93 & 94 Floor plans and elevations  
 21-j3688-30 plot 97 Floor plans and elevations  
 21-j3688-26 Bin & cycle store  
 21-j3688-25-a plots 12 & 61 Garages.  
 21-j3688-24-c plots 38 & 39 Floor plans and elevations  
 21-j3688-20-c plots 88 90 & 95. Floor plans and elevations  
 21-j3688-17-b plots 63 64 68 & 69 (affordable) plans & elevations  
 21-j3688-16-b plots 61 & 62. Floor plans & elevations  
 21-j3688-21-c plots 89 91 & 96. Floor plans & elevations

Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

### **Informatives**

- 1 Adoption under Section 38The applicant's attention is bought to the fact that the Highway Authority will actively seek to adopt all or part of the increased footway that constitute this development. The applicant will be required to enter into a legal agreement with the Council under Section 38 of the Highways Act 1980.
- 2 Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at [thameswater.co.uk/preplanning](http://thameswater.co.uk/preplanning). Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (e-mail: [devcon.team@thameswater.co.uk](mailto:devcon.team@thameswater.co.uk)) prior to the planning application approval.
- 3 With regard to water supply, this comes within the area covered by the South East Water Company.For your information the address to write to is - South East Water Company, Rocfort Road, Snodland, Kent, ME6 5AH, Tel: 01444-448200The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://www.gov.uk/government/publications/groundwaterprotection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.
- 4 For the benefit of any doubt, Condition 1 shall include the provision of the full details of the Locally Equipped Area of Play (LEAP).
- 5 The applicant is reminded to contact Thames Water at the earliest opportunity when designing the foul water strategy. Development Planning,Thames Water,Maple Lodge STW,Denham Way,Rickmansworth,WD3 9SQTel:020 3577 9998Email: [devcon.team@thameswater.co.uk](mailto:devcon.team@thameswater.co.uk)



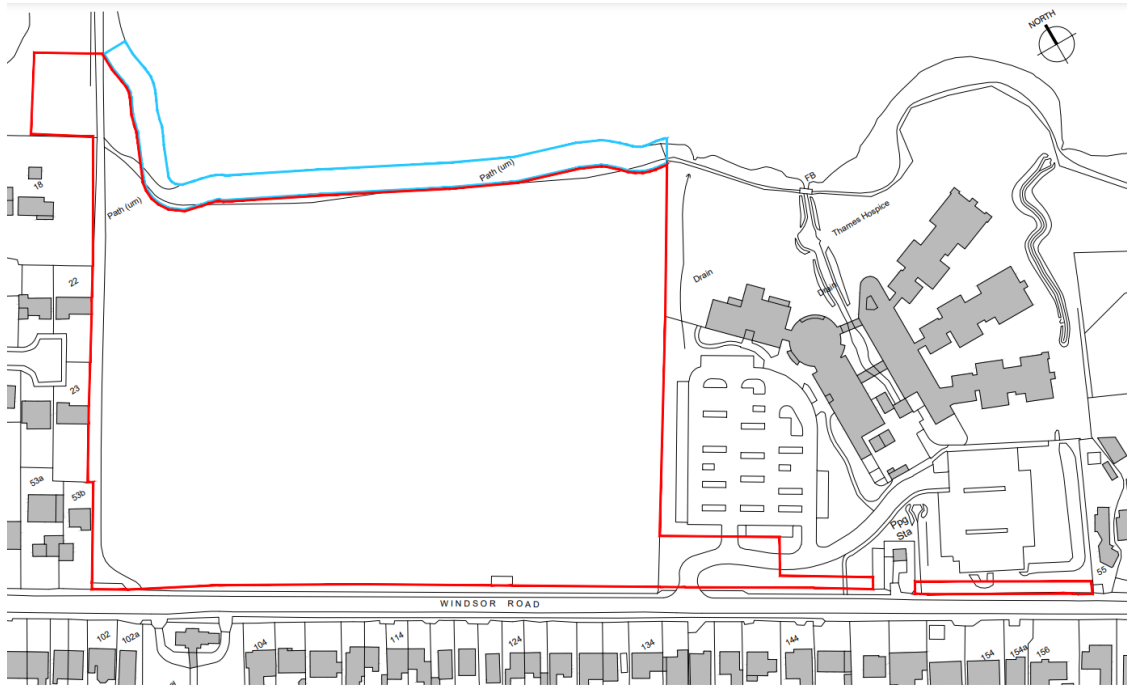


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**APPLICATION NUMBER 22/01791/OUT- LAND SOUTH OF BRAY LAKE WINDSOR ROAD  
MAIDENHEAD**

- **APPENDIX A – SITE LOCATION PLAN, PROPOSED BLOCK PLAN AND PROPOSED SITE PLAN**

**SITE LOCATION PLAN**



**PROPOSED BLOCK PLAN**

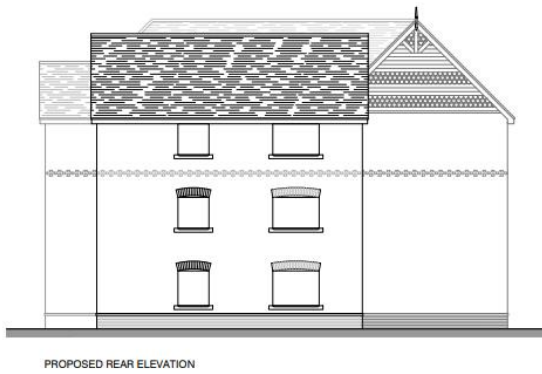


# COLOURED SITE PLAN

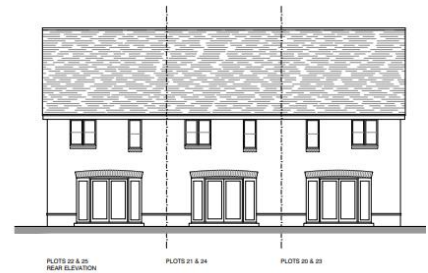


- APPENDIX B – EXAMPLE FLAT AND HOUSE TYPES

**Flats Plots 70-78 & 79-87**



**House Types PLOTS 20-22 & 23-25**



**PLOTS 3,34,35,41,43,44,50,51,52 53,55,56**



FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION

**PLOT 32**



FRONT ELEVATION



SIDE ELEVATION



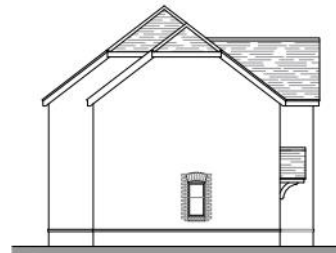
REAR ELEVATION

**PLOTS 13-14**



PLOT 13  
FRONT ELEVATION

PLOT 14



PLOT 13  
SIDE ELEVATION

**Plots 4-5,6-7,9-10,28-29,30-31, 45-48**



FRONT ELEVATION  
Plots 4, 5, 6, 28, 29, 30 & 45

Plots 7, 9, 10, 28, 29, 31, 45 & 47



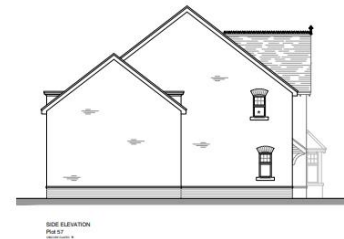
SIDE ELEVATION  
Plots 4, 5, 6, 28, 29, 30, 45 & 48



REAR ELEVATION  
Plots 7, 9, 10, 28, 29, 31, 45 & 47

Plots 4, 5, 6, 28, 29, 30, 45 & 48

**PLOTS 57-60**



**Plots 92 -94**



**PLOTS 89 91 & 96**



**PLOTS 61 & 62**

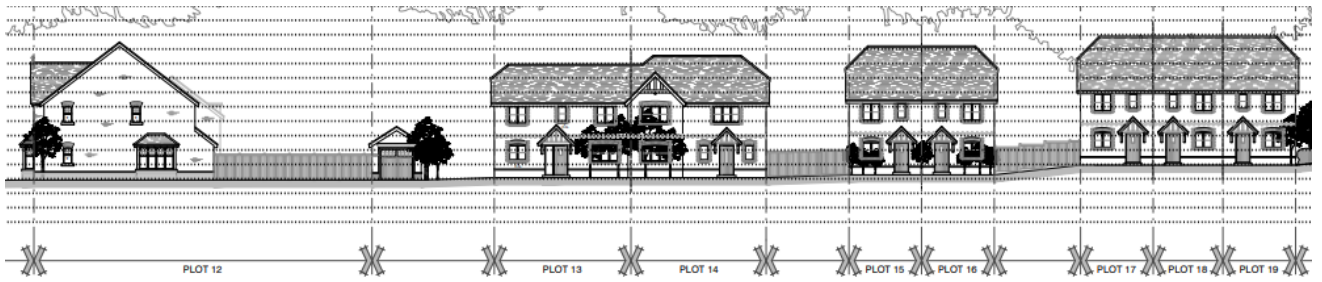


- **APPENDIX C – STREET SCENES**

**Street Scenes**

PROPOSED STREET SCENES A-A

Plot 12, 13, 14, 15, 16, 17, 18 and 19



PROPOSED STREET SCENES B-B

Plots 70 – 78, 79 – 87, 92, 93, 94



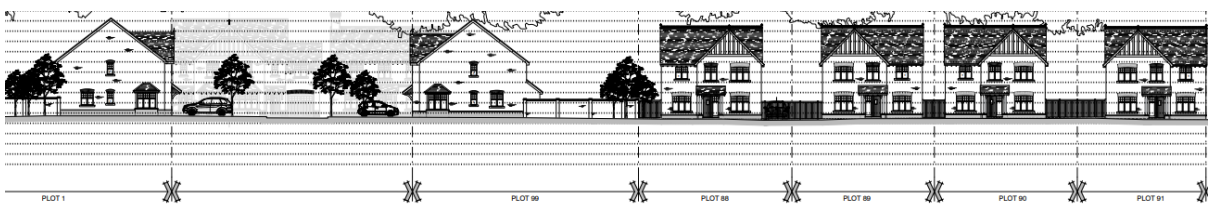
PROPOSED STREET SCENES C-C

Plot 9, 10, 11, 12, 28, 29, 30, 31, 38



PROPOSED STREET SCENES D-D

Plot 1, 99, 88, 89, 90, 91



PROPOSED STREET SCENES E-E

Plot 38, 37, 36, 35, 34, 33, 32





## MAIDENHEAD DEVELOPMENT CONTROL PANEL

20 December 2023

Item: 2.

<b>Application No.:</b>	23/00463/FULL
<b>Location:</b>	Maidenhead Public Library St Ives Road Maidenhead SL6 1QU
<b>Proposal:</b>	Installation of a new heating ventilation and air conditioning system (part retrospective).
<b>Applicant:</b>	Royal Borough Windsor And Maidenhead
<b>Agent:</b>	Mrs Kiran Hunjan
<b>Parish/Ward:</b>	Maidenhead Unparished/St Marys
<b>If you have a question about this report, please contact:</b> David Johnson on 01628 685692 or at david.johnson@rbwm.gov.uk	

### 1. SUMMARY

- 1.1 Planning permission is sought for the installation of a new heating ventilation and air conditioning system, to replace the existing system within the building which is at its end of life. The works internally within the library building have to a large extent been carried out and the works are therefore part retrospective.
- 1.2 The proposals would result in less than substantial harm to the designated heritage asset and its immediate setting. The harm to the significance of the designated heritage asset is outweighed by the public benefit identified, namely the continued use of a popular and well used public facility. Furthermore, it has been demonstrated that the works would not result in unacceptable harm to living conditions or flooding in the surrounding area and therefore complies with relevant development plan policies.

**It is recommended the Committee grants planning permission with the conditions listed in Section 13 of this report.**

### 2. REASON FOR COMMITTEE DETERMINATION

- The application has been submitted by the Local Authority and is classified as a 'Regulation 3' application. As the decision-maker is the applicant, in line with the Council's Constitution, the application is to be determined by the Maidenhead Development Management Committee.

### 3. THE SITE AND ITS SURROUNDINGS

- 3.1 The public library dates from the early 1970s and was designed by Ahrends, Burton and Koralek Architects. It is built of a reinforced concrete frame with suspended floor slabs on piled foundations. The exterior of the building is clad in a red engineering brick, also used for the garden walls and paving, defining its strong brick character and appearance which relates to the materiality of historic Maidenhead. The windows are set within painted steel frames.
- 3.2 The building is built on a slope resulting in a slightly raised ground floor and the need for steps and a ramp into the building. The main entrance is along the north elevation of the building under an open canopy, comprising of a terrace above.
- 3.3 The significance of the building is strongly defined by its architectural interest and a good example of the architect's work, as duly described within the list entry description:

*“The building is striking and novel in its use of a space frame to create a clear, column-free interior and to give clerestory lighting all-round the building, while the hard red brick gives a semblance of weight to the lower structure, although it is not in fact load-bearing. ‘The idea of a roof implies for me a balance of solid and void’, Koralek told Powell, and its deep overhang was designed to be sheltering, inviting and un-institutional. The meticulous use of brickwork, extending a plinth from the outside through the interior, is a distinctive feature of ABK’s work at this time. It is also a response to the red brick of the Victorian town. ABK first came to prominence when in 1961, the year of their foundation Paul Koralek won a competition for the Berkeley Library, Trinity College, Dublin. This much smaller building is a similar mix of flexible space around fixed staircases and balconies, and similarly makes use of top-lighting to create a dramatic and well-lit interior. Additionally, however, it shows a progression in ABK’s use of materials and a greater variety of forms in their 1970s’ buildings than they had displayed in the 1960s.”*

- 3.4 The building forms part of a civic character area within Maidenhead Town Centre, with the Town Hall located on the opposite side of St Ives Road. It is a strong positive contributor to the character and appearance of the street scene.

#### **4. KEY CONSTRAINTS**

- 4.1 Maidenhead Public Library and the attached Maudsley Memorial Garden combine to form the Grade II Listing. The site is located just outside the Maidenhead Town Centre Conservation Area.

- 4.2 The site also lies partially within Flood Zones 2 and 3.

#### **5. THE PROPOSAL**

- 5.1 Planning permission is sought for the installation of a new heating ventilation and air conditioning system. The works internally within the library building have to a large extent been carried out and the works are therefore part retrospective.

- 5.2 During the course of the application, additional information and amended drawings have been received which sought to address comments raised by both the RBWM Conservation Officer and the 20<sup>th</sup> Century Society. The amendments relate to the following:

- Amended drawings showing a revised location for the air conditioning units, screening and location of trunking from the internal works to the air conditioning units containing pipes and wiring; and
- Confirmation that the colour of the internal pipework trays will match the colour of the existing ceiling colour.

- 5.3 Whilst internal works relating to the application have been carried out, the condenser units have not been sited in the proposed location and are not therefore currently operational.

#### **6. RELEVANT PLANNING HISTORY**

Reference	Description	Decision
17/01159/LBC	Consent to install three acoustic meeting pods.	Permitted 12.05.2017

16/00360/LBC	Consent for upgrade of electrical supply system to interior and addition of window opening actuation system.	Permitted 14.04.2016
11/02408/LBC	Installation of feral bird proofing measures.	Permitted 22.11.2011
11/00041/LBC	Consent for 5 'fin' cycle stands.	Permitted 17.03.2011
07/02961/LBC	Consent to undertake improvements and upgrading of access routes to building including surfaces, ramp gradient, handrails and stepped access.	Permitted by S of S 24.01.2008
07/02960/FULL	Improvements and upgrading of access routes to building including surfaces, ramp gradient, handrails and stepped access.	Permitted 20.12.2007
07/00072/LBC	General improvements and refurbishments/repairs.	Permitted by Secretary of State 25.06.2007
06/01384/LBC	Consent to replace inner and outer doors to main and St Ives Road entrances and replacement of window film with solar security film.	Permitted by S of S 27.10.2006
04/41498/LBC	Internal refurbishment and remodelling, external refurbishment, external plant enclosure and associated ancillary and external works.	Withdrawn 26.06.2006
04/41497/FULL	Internal refurbishment and remodelling, external refurbishment, external plant enclosure and associated ancillary and external works.	Permitted 20.05.2004
03/39893/FULL	Extension and alterations to library including associated external works landscaping and paving.	Withdrawn 02.02.2004
01/36787/FULL	Change of use of part of Library to Internet Cafe (to provide Internet and Computer access, sell hot and cold beverages, sandwiches, jacket potatoes, newspapers, stationery etc including use of patio area adjoining).	Refused 12.09.2001
23/00464/LBC	Installation of a new heating ventilation and air conditioning system (part retrospective).	Pending consideration (also on the committee agenda)

## 7. DEVELOPMENT PLAN

7.1 The main relevant policies are:

### **Borough Local Plan (BLP)**

Issue	Policy
Sustainability and Placemaking	QP1
Character and Design of New Development	QP3
Maidenhead Town Centre	TR3
Historic Environment	HE1
Managing Flood Risk and Waterways	NR1
Community Facilities	IF6
Noise	EP4
Sustainable Transport	IF2

## 8. MATERIAL PLANNING CONSIDERATIONS

### **National Planning Policy Framework Sections (NPPF)**

Section 2 – Achieving sustainable development

Section 4- Decision-making

Section 12- Achieving well-designed places

Section 14- Meeting the challenge of climate change, flooding and coastal change

Section 16 - Conserving and enhancing the historic environment

### **Supplementary Planning Documents**

- Borough Wide Design Guide

### **Other Local Strategies or Publications**

Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment
- RBWM Landscape Assessment
- Corporate Strategy

## 9. CONSULTATIONS CARRIED OUT

### **Comments from interested parties**

A site notice advertising the application was posted at the site and the application was advertised in the Local Press.

No comments were received in connection with the application.

### **Statutory consultees**

Consultee	Comment	Where in the report this is considered
Historic England	No objections raised on the original consultation. No additional comments received following re-consultation on additional information.	Noted.
Twentieth Century Society.	Objections raised to the initial proposed siting of the Air Conditioning units.  Objection withdrawn based on amended plans.	Section 10.

### Consultees

Consultee	Comment	Where in the report this is considered
RBWM Conservation	Initial objections to the proposal. Objection withdrawn based on amended plans.	Section 10
RBWM Environmental Protection	No objections.	Section 10

## 10. EXPLANATION OF RECOMMENDATION

10.1 The key issues for consideration are:

- i Whether the proposals would preserve the special architectural and/or historic interest of the listed building and where harm is identified, whether there is sufficient clear and convincing justification and public benefit to outweigh the harm;
- ii Impact on amenity;
- iii Impact on flooding; and,
- iv Other material planning considerations.

### Impact on heritage asset

10.2 Section 12 (Achieving well-designed places) of the NPPF advises that all development should seek to achieve a high quality of design that improves the character and quality of an area. It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Section 16 of the NPPF addresses proposals affecting heritage assets. Paragraph 199 sets out that 'great weight should be given to the assets' conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'.

10.3 Policy QP3 of the BLP states that new development will be expected to contribute towards achieving sustainable high-quality design in the Borough. A development proposal will be considered high quality design and acceptable where it achieves the relevant design principles, QP3(b) supports development that respects and enhances the local, natural or historic character of the environment, paying particular regard to urban grain, layouts, rhythm, density, height, skylines, scale, bulk, massing,

proportions, trees, biodiversity, water features, enclosure and materials. Policy HE1 of the BLP is relevant and states that the historic environment will be conserved and enhanced in a manner appropriate to its significance and that development proposals are required to demonstrate how they preserve or enhance character, appearance and function of heritage assets, (whether designated or non-designated), and their settings and respect the significance of the historic environment. Heritage assets are an irreplaceable resource and works, which would cause harm to the significance of the heritage asset or its setting, will not be permitted without clear justification in accordance with legislation and national policy.

- 10.4 The impact of the proposed development on the Grade II listed Maidenhead Public Library, including the proposed internal work, is considered in more detail under application ref. 23/00464/LBC which is also on the committee agenda.
- 10.5 During the course of the application, amended plans and additional information has been submitted to address concerns raised by both the RBWM Conservation and the Twentieth Century Society. The proposed condenser units would be sited to the rear/side of the building, enclosed within a 1.85m high enclosure. Whilst visible from the river, the external location of the air conditioning units is acceptable in principle in relation to the listed building and reaches an appropriate compromise between the protection of the heritage asset and the continued use of the building as a public facility for residents of all ages. The proposed condenser units would be located behind the library building and would not be readily visible from St Ives Road, with views of the units and proposed enclosure limited to the footpath on the opposite side of York Stream. It is therefore considered that the proposal would not have a detrimental impact on the character of the area. Conditions are recommended to secure further detail of the materiality and colour of the enclosure and the external pipework and cable trunking to the library building. Whilst the submitted drawings indicate that the trunking would match the window frames, details of a specific colour would be required.
- 10.6 Overall, the scheme would have an acceptable impact on the character of the wider area. In line with the Planning (Listed Building and Conservation Area) Act 1990, special regard is given to preserving the heritage asset. The identified less than substantial harm to the significance of the designated heritage asset and its setting (as set out in more detail under application ref. 23/00464/LBC) is outweighed by the public benefit identified. Namely, in this case that the existing system has come to the end of its life span and the library is not currently able to adjust the environment within the building to take account of the external environment in terms of changing temperatures. In order for the library to fulfil its function as a public facility used by residents of all ages, the building needs to provide an environment that is comfortable for users all year round. The proposal would allow for the continued use of a popular and well used public facility, and this is a public benefit of significant weight. Due regard has been given to the provisions of Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990. The scheme would therefore comply with Borough Local Plan Policies QP3 and HE1.

### **Amenities**

- 10.7 Policy QP3(m) states that proposals should not have an unacceptable effect on the amenities enjoyed by the occupants of adjoining properties in terms of privacy, light, disturbance, vibration, pollution, dust, smell and access to sunlight and daylight. BLP policy EP4 is also relevant and sets out that development proposals should consider the noise and quality of life impact on recipients in existing nearby properties and also the intended new occupiers ensuring they will not be subject to unacceptable harm. Development proposals that generate unacceptable levels of noise and affect quality

of life will not be permitted. Effective mitigation measures will be required where development proposals may generate significant levels of noise (for example from plant and equipment) and may cause or have an adverse impact on neighbouring residents, the rural character of an area or biodiversity.

- 10.8 The proposed air conditioning units would be located externally to the rear/side of the building. Given the siting of the proposed units and the separation distances between them and the nearest neighbouring buildings, there would be no unacceptable harm to neighbouring buildings in terms of privacy, light or noise disturbance. As such, the proposals comply with BLP policies QP3 and EP4.

### **Impact on flooding**

- 10.9 Policy NR1 of the BLP sets out that within designated Flood Zones 2 and 3, development proposals would only be supported where an appropriate flood risk assessment has been carried out and it has demonstrated that development is located and designed to ensure that flood risk from all sources of flooding is acceptable in planning term. Policy NR1 further states that all development should not itself, or cumulatively with other development, materially:

- Impede the flow of flood water;
- Reduce the capacity of the floodplain to store water;
- Increase the number of people, property or infrastructure at risk of flooding;
- Cause new or exacerbate existing flooding problems, either on the proposal site or elsewhere
- Reduce the waterways viability as an ecological network or habitat for notable species of flora or fauna.

- 10.10 The application site, as defined by the Environmental Agency (EA), falls within Flood Zone 2 and 3, an area recognised as having a high to medium risk of flooding. The application has been submitted alongside a Flood Risk Assessment (FRA) which demonstrates that the development would not displace flood water and exacerbate the flood risk on-site, in accordance with Policy NR1 of the BLP. The resilience measures within the FRA would be secured by recommended condition.

### **Other material considerations**

- 10.11 The nature of the proposed development is such that there would be no impact on parking and highway safety in the surrounding area.

## **11. CONCLUSION**

- 11.1 For the reasons set out in this report the proposals are deemed to comply with relevant development plan policies. It is therefore recommended that listed building consent is granted subject to the conditions listed below.

## **12. APPENDICES TO THIS REPORT**

- Appendix A - Site location plan and site layout
- Appendix B – plan and elevation drawings

## **13. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED**

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.

- Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 Prior to installation of the external condenser units, further details including a detailed elevation drawing of the proposed enclosures for the external units, including finish to the materials, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details.  
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan QP3 and HE1.
- 3 Prior to installation of the external condenser units, further details and confirmation of the RAL colour/colour reference of the external pipework and cable trunking shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details.  
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan QP3 and HE1.
- 4 The development shall be carried out in accordance with the flood resilience measures contained within the Flood Risk Assessment received on 1st December 2023 and retained thereafter.  
Reason: In the interests of flooding. Relevant Policy - Borough Local Plan NR1
- 5 The development hereby permitted shall be carried out in accordance with the approved plans listed below.  
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

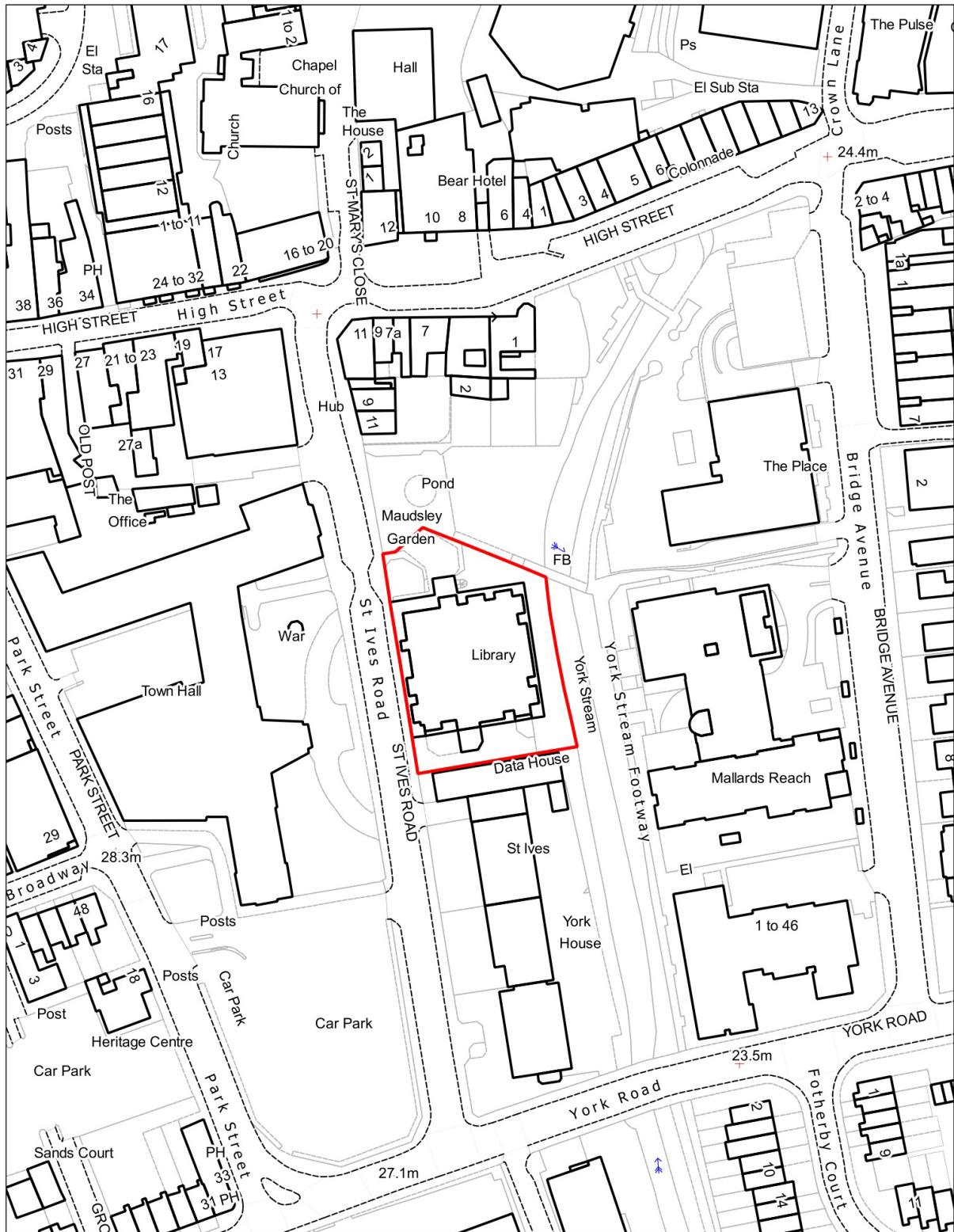




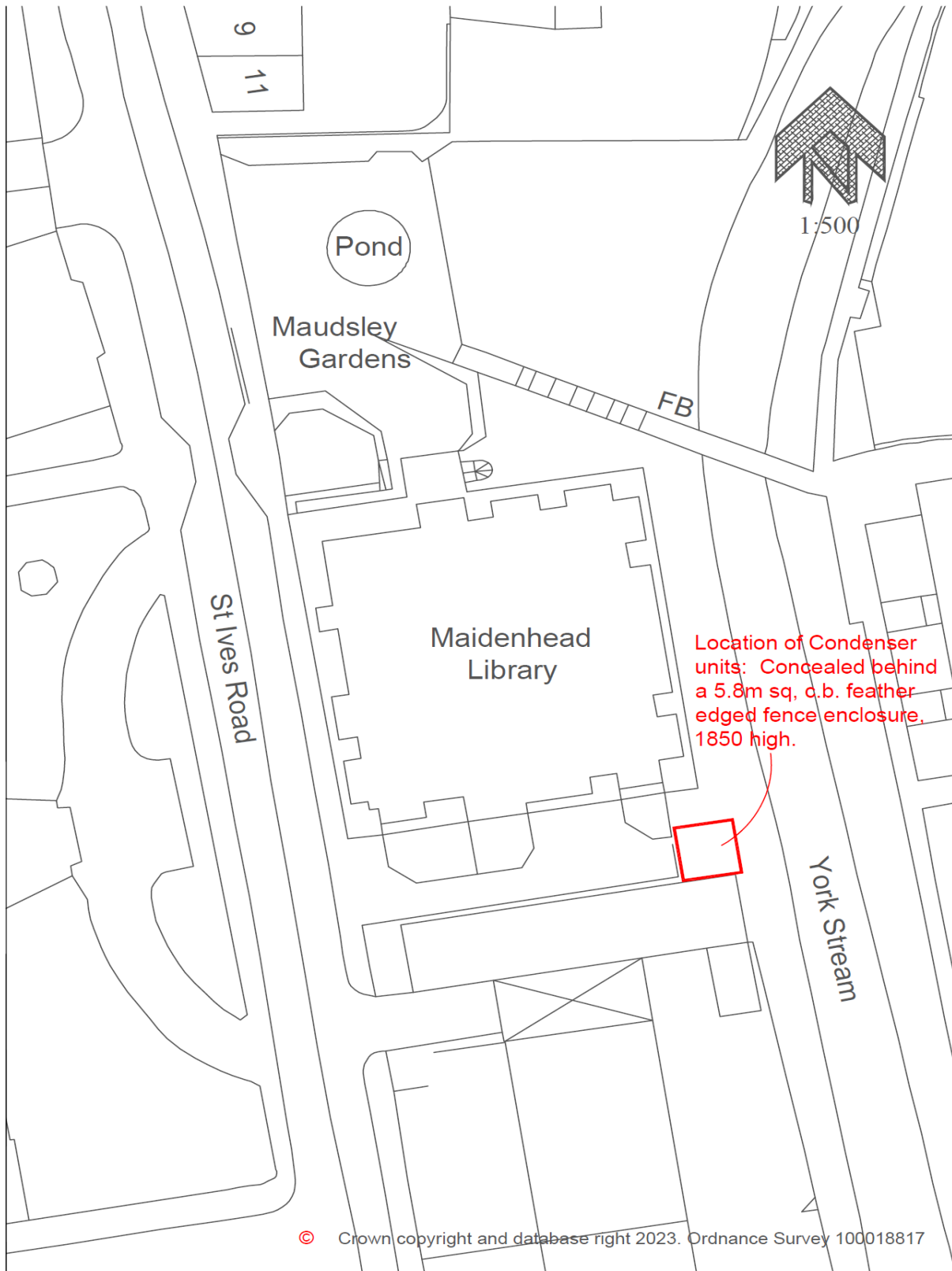
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APPENDICES 23/00464/LBC & 23/00463/FULL

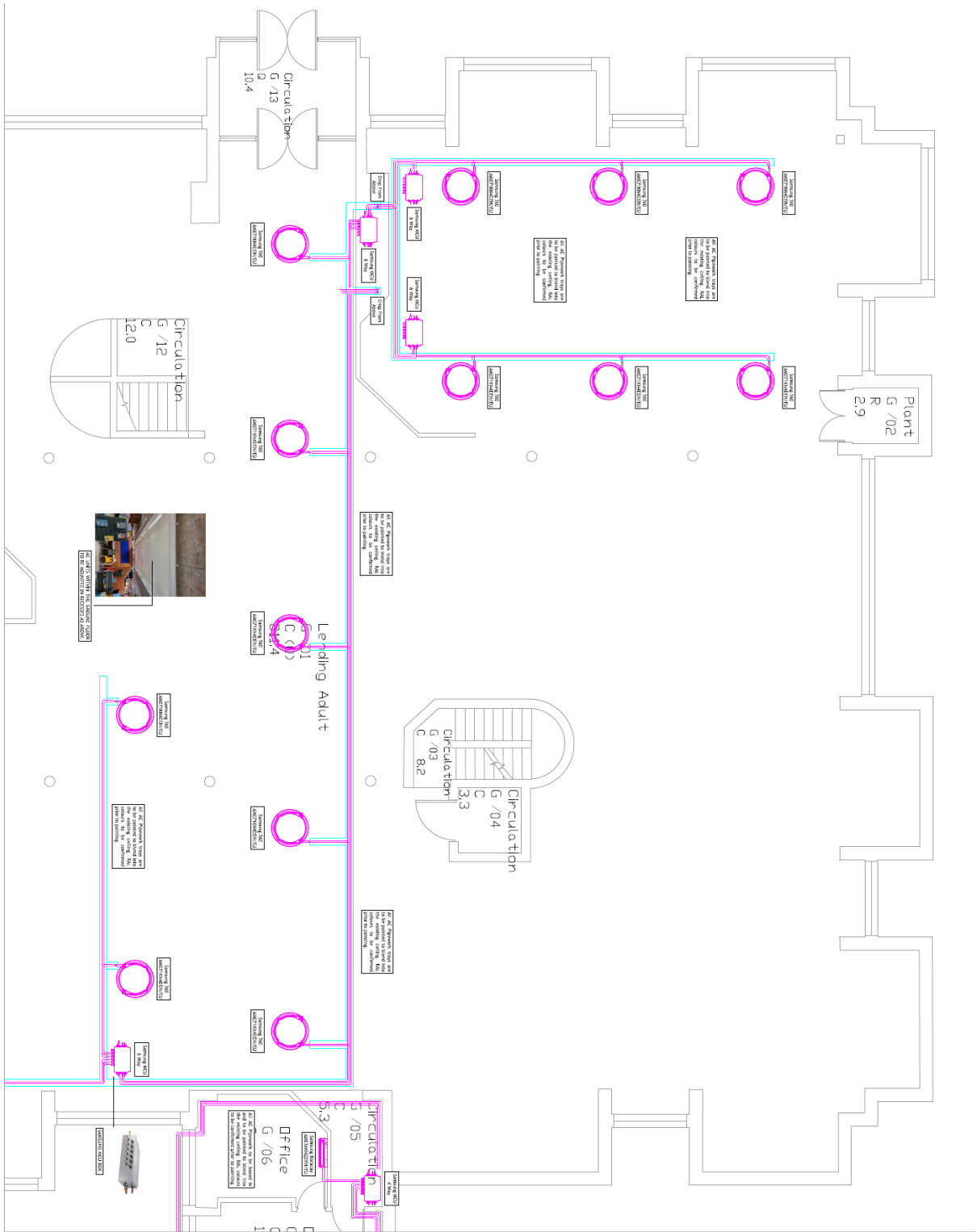
LOCATION PLAN



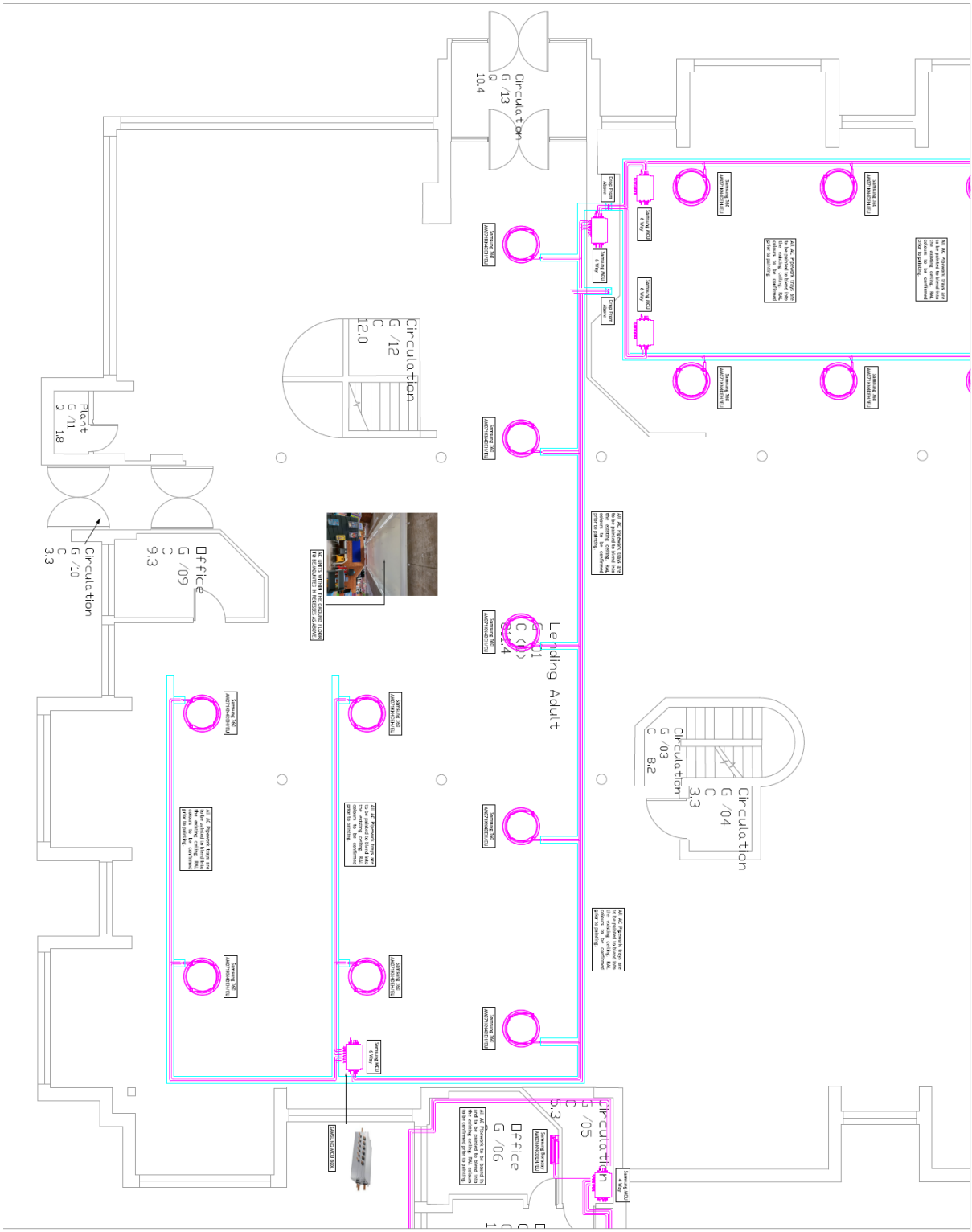
# PROPOSED SITE PLAN



# PROPOSED GROUND FLOOR

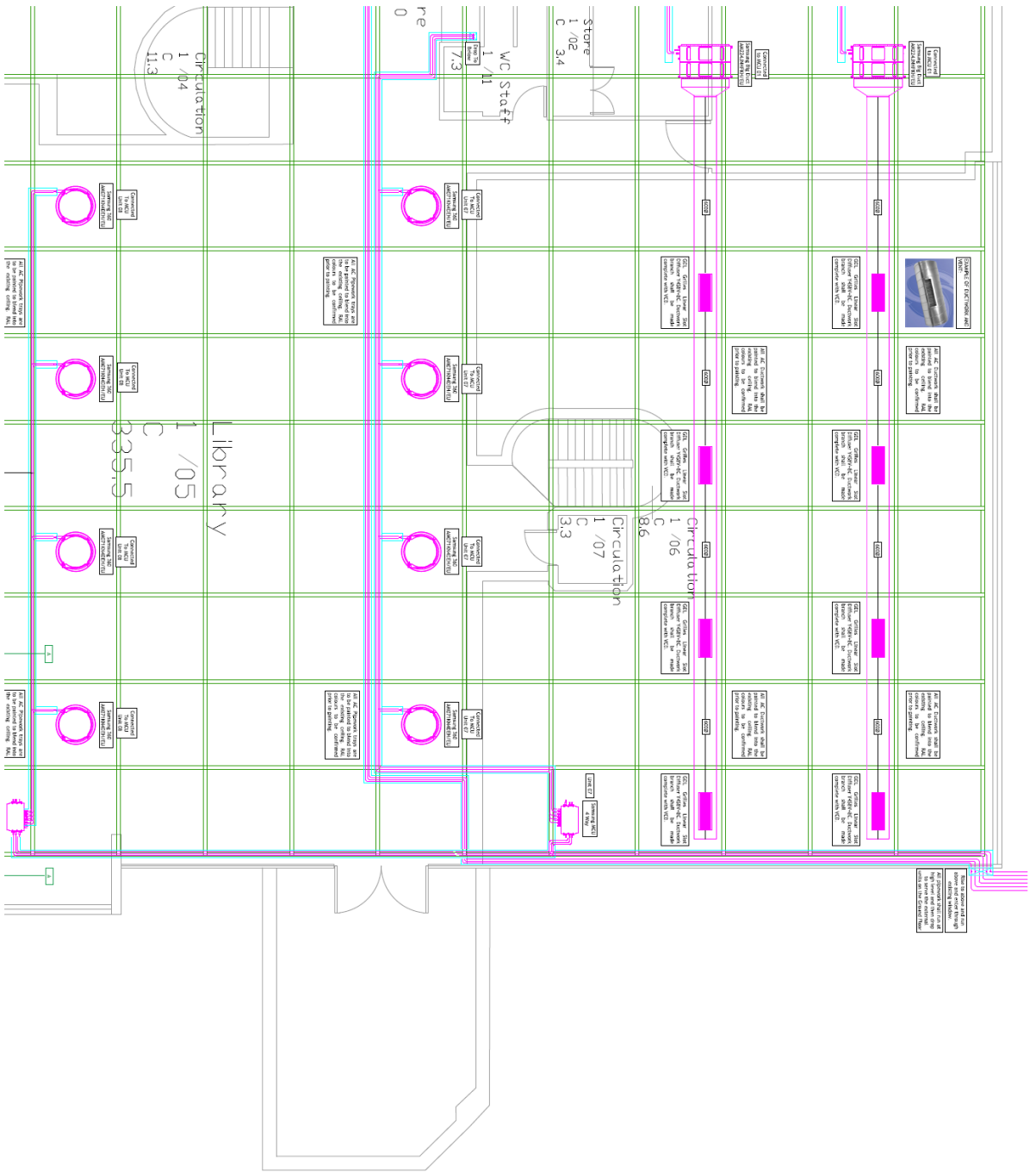


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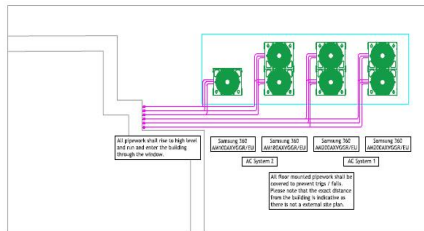
**PROPOSED GROUND FLOOR**







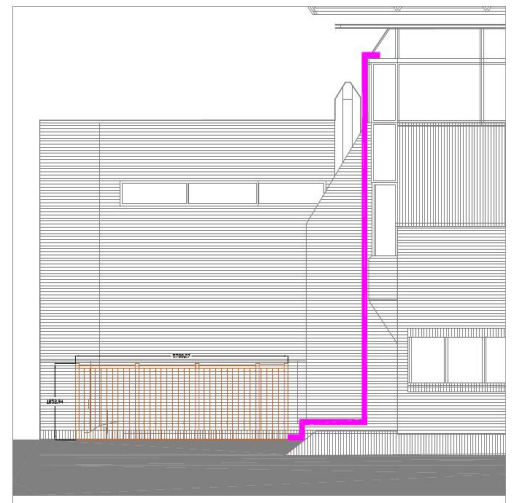
# EXTERNAL CONDENSER LOCATION



Approximate Plant Area (1:50)

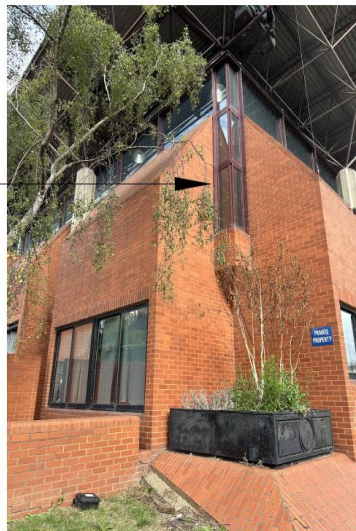


The pipework and cables will be encased in a trunking with cover as indicated on the photos. This trunking will be painted to match.



Eastern Elevation (1:50)

Trunking will be powdered coated the same colour as the window frames.



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## MAIDENHEAD DEVELOPMENT CONTROL PANEL

20 December 2023

Item: 3.

<b>Application No.:</b>	23/00464/LBC
<b>Location:</b>	Maidenhead Public Library St Ives Road Maidenhead SL6 1QU
<b>Proposal:</b>	Consent for the installation of a new heating ventilation and air conditioning system (part retrospective).
<b>Applicant:</b>	Royal Borough Windsor And Maidenhead
<b>Agent:</b>	Mrs Kiran Hunjan
<b>Parish/Ward:</b>	Maidenhead Unparished/St Marys
<b>If you have a question about this report, please contact:</b> David Johnson on 01628 685692 or at david.johnson@rbwm.gov.uk	

### 1. SUMMARY

- 1.1 Listed building consent is sought for the installation of a new heating ventilation and air conditioning system, to replace the existing system within the building which is at its end of life. The works internally within the library building have to a large extent been carried out and the works are therefore part retrospective.
- 1.2 The proposals would result in less than substantial harm to the designated heritage asset and its immediate setting. The harm to the significance of the designated heritage asset is outweighed by the public benefit identified, namely the continued use of a popular and well used public facility.

<b>It is recommended the Committee grants listed building consent with the conditions listed in Section 13 of this report.</b>
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### 2. REASON FOR COMMITTEE DETERMINATION

- The application has been submitted by the Local Authority and is classified as a 'Regulation 3' application. As the decision-maker is the applicant, in line with the Council's Constitution, the application is to be determined by the Maidenhead Development Management Committee.

### 3. THE SITE AND ITS SURROUNDINGS

- 3.1 The public library dates from the early 1970s and was designed by Ahrends, Burton and Koralek Architects. It is built of a reinforced concrete frame with suspended floor slabs on piled foundations. The exterior of the building is clad in a red engineering brick, also used for the garden walls and paving, defining its strong brick character and appearance which relates to the materiality of historic Maidenhead. The windows are set within painted steel frames.
- 3.2 The building is built on a slope resulting in a slightly raised ground floor and the need for steps and a ramp into the building. The main entrance is along the north elevation of the building under an open canopy, comprising of a terrace above.
- 3.3 The significance of the building is strongly defined by its architectural interest and a good example of the architect's work, as duly described within the list entry description:

*“The building is striking and novel in its use of a space frame to create a clear, column-free interior and to give clerestory lighting all-round the building, while the hard red brick gives a semblance of weight to the lower structure, although it is not in fact load-bearing. ‘The idea of a roof implies for me a balance of solid and void’, Koralek told Powell, and its deep overhang was designed to be sheltering, inviting and un-institutional. The meticulous use of brickwork, extending a plinth from the outside through the interior, is a distinctive feature of ABK’s work at this time. It is also a response to the red brick of the Victorian town. ABK first came to prominence when in 1961, the year of their foundation Paul Koralek won a competition for the Berkeley Library, Trinity College, Dublin. This much smaller building is a similar mix of flexible space around fixed staircases and balconies, and similarly makes use of top-lighting to create a dramatic and well-lit interior. Additionally, however, it shows a progression in ABK’s use of materials and a greater variety of forms in their 1970s’ buildings than they had displayed in the 1960s.”*

- 3.4 The building forms part of a civic character area within Maidenhead Town Centre, with the Town Hall located on the opposite side of St Ives Road. It is a strong positive contributor to the character and appearance of the street scene.

#### **4. KEY CONSTRAINTS**

- 4.1 Maidenhead Public Library and the attached Maudsley Memorial Garden combine to form the Grade II Listing. The site is located just outside the Maidenhead Town Centre Conservation Area.
- 4.2 The site also lies partially within Flood Zones 2 and 3.

#### **5. THE PROPOSAL**

- 5.1 Listed building consent is sought for the installation of a new heating ventilation and air conditioning system. The works internally within the library building have to a large extent been carried out and the works are therefore part retrospective.
- 5.2 During the course of the application, additional information and amended drawings have been received which sought to address comments raised by both the RBWM Conservation Officer and the 20<sup>th</sup> Century Society. The amendments relate to the following:
- Amended drawings showing a revised location for the siting of the air conditioning units, screening and location of trunking from the internal works to the air conditioning units containing pipes and wiring; and,
  - Confirmation that the colour of the internal pipework trays will match the colour of the existing ceiling colour.
- 5.3 Whilst internal works relation to the application have been carried out, the condenser units have not been sited in the proposed location and are not therefore currently operational.

#### **6. RELEVANT PLANNING HISTORY**

Reference	Description	Decision
17/01159/LBC	Consent to install three acoustic meeting pods.	Permitted 12.05.2017

16/00360/LBC	Consent for upgrade of electrical supply system to interior and addition of window opening actuation system.	Permitted 14.04.2016
11/02408/LBC	Installation of feral bird proofing measures.	Permitted 22.11.2011
11/00041/LBC	Consent for 5 'fin' cycle stands.	Permitted 17.03.2011
07/02961/LBC	Consent to undertake improvements and upgrading of access routes to building including surfaces, ramp gradient, handrails and stepped access.	Permitted by S of S 24.01.2008
07/02960/FULL	Improvements and upgrading of access routes to building including surfaces, ramp gradient, handrails and stepped access.	Permitted 20.12.2007
07/00072/LBC	General improvements and refurbishments/repairs.	Permitted by Secretary of State 25.06.2007
06/01384/LBC	Consent to replace inner and outer doors to main and St Ives Road entrances and replacement of window film with solar security film.	Permitted by S of S 27.10.2006
04/41498/LBC	Internal refurbishment and remodelling, external refurbishment, external plant enclosure and associated ancillary and external works.	Withdrawn 26.06.2006
04/41497/FULL	Internal refurbishment and remodelling, external refurbishment, external plant enclosure and associated ancillary and external works.	Permitted 20.05.2004
03/39893/FULL	Extension and alterations to library including associated external works landscaping and paving.	Withdrawn 02.02.2004
01/36787/FULL	Change of use of part of Library to Internet Cafe (to provide Internet and Computer access, sell hot and cold beverages, sandwiches, jacket potatoes, newspapers, stationery etc including use of patio area adjoining).	Refused 12.09.2001
23/00463/FULL	Installation of a new heating ventilation and air conditioning system (part retrospective).	Pending consideration (also on the committee agenda)

## 7. DEVELOPMENT PLAN

7.1 The main relevant policies are:

### Borough Local Plan (BLP)

Issue	Policy
Historic Environment	HE1

## 8. MATERIAL PLANNING CONSIDERATIONS

### National Planning Policy Framework Sections (NPPF)

Section 16 - Conserving and enhancing the historic environment

### Supplementary Planning Documents

- Borough Wide Design Guide

## 9. CONSULTATIONS CARRIED OUT

### Comments from interested parties

The application relates to an application for listed building consent. As such, occupiers of adjacent properties were not notified directly of the application.

The planning officer posted a site notice advertising the application at the site and the application was advertised in the Local Press.

No comments were received in connection with the application.

### Statutory consultees

Consultee	Comment	Where in the report this is considered
Historic England	No objections raised on the original consultation. No additional comments received following re-consultation on additional information.	Noted.
Protection of Ancient Buildings	No comments received.	N/A
Ancient Monuments Society	No comments received.	N/A
Council of British Archaeology	No comments received.	N/A
Victorian Society	No comments received.	N/A
Georgian Group	No comments received.	N/A
Twentieth Century Society.	Objections raised to the initial proposed siting of the Air Conditioning units.  Objection withdrawn based on amended plans.	Section 10

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**Consultees**

Consultee	Comment	Where in the report this is considered
RBWM Conservation	Initial objections to the proposal. Objection withdrawn based on amended plans.	Section 10

**10. EXPLANATION OF RECOMMENDATION**

10.1 The key issues for consideration are:

- i Whether the proposals would preserve the special architectural and/or historic interest of the listed building and where harm is identified, whether there is sufficient clear and convincing justification and public benefit to outweigh the harm.

**Impact on the heritage asset**

10.2 Section 16(2) of the Planning (Listed buildings and Conservation Area) Act 1990 states that 'In considering whether to grant listed building consent for any works the Local Planning Authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

10.3 It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Section 16 of the NPPF addresses proposals affecting heritage assets. Paragraph 199 sets out that 'great weight should be given to the assets' conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'. The NPPF sets out that the Local Planning Authority should identify and assess the particular significance of any heritage asset. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage assets conservation and any aspect of the proposal.

10.4 Policy HE1 of the BLP is relevant and states that the historic environment will be conserved and enhanced in a manner appropriate to its significance and that development proposals are required to demonstrate how they preserve or enhance character, appearance and function of heritage assets, (whether designated or non-designated), and their settings and respect the significance of the historic environment. Heritage assets are an irreplaceable resource and works, which would cause harm to the significance of the heritage asset or its setting, will not be permitted without clear justification in accordance with legislation and national policy.

10.5 As originally submitted, concerns were raised regarding the prominent location of the proposed external air conditioning units on the first floor terraces of the building and the resultant harmful impact of the visual clutter from these units and associated ductwork on the appearance of the simple built form of the building. An objection was also raised from the Twentieth Century Society in relation to the prominent siting of the units and the overall size, design and material specification which would compound the harm.

- 10.6 In order to address these concerns, amended plans were submitted during the course of the application. The proposed condenser units would be sited to the rear/side of the building, enclosed within a 1.85m high enclosure. Whilst visible from the river, the location of the air conditioning units is acceptable in principle in relation to the listed building and reaches an appropriate compromise between the protection of the heritage asset and the continued use of the building as a public facility for residents of all ages. However, conditions are recommended to secure further detail of the materiality and colour of the enclosure and the external pipework and cable trunking to the library building. Whilst the submitted drawings indicate that the trunking would match the window frames, details of a specific colour would be required.
- 10.7 The proposed siting of the duct work and heating and cooling equipment internally would be visible due to the open structure of the building, which would result in some harm to its character and appearance. However, it has been designed to reduce the impact of the development and when considering the utilitarian nature of the building, particularly at roof level the approach is acceptable in principle. The colour finish to the internal duct work would need to be confirmed, and this information would be secured by recommended condition. The colour should be sympathetic and in keeping with the interior of the listed building.
- 10.8 Given the above, the proposal would result in less than substantial harm to the significance of the designated heritage asset and its setting. In line with paragraph 202 of the NPPF, it is necessary to weigh this against any public benefit of the proposal including, where appropriate, securing its optimum viable.
- 10.9 Whilst it is acknowledged that the proposed works would result in less than substantial harm to the heritage asset, in this case, the works are required in order to secure the long-term preservation and use of Maidenhead Public Library as a public facility. The harm to the significance of the designated heritage asset is therefore outweighed by identified public benefits. The existing system has come to the end of its life span and the library is not currently able to adjust the environment within the building to take account of the external environment in terms of changing temperatures. In order for the library to fulfil its function as a public facility used by residents of all ages, the building needs to provide an environment that is comfortable for users all year round. The proposal would allow for the continued use of a popular and well used public facility, and this is a public benefit of significant weight.
- 10.10 As such, in line with the Planning (Listed Building and Conservation Area) Act 1990, special regard is given to preserving the heritage asset. The identified less than substantial harm to the significance of the designated heritage asset is outweighed by the public benefit identified and therefore, listed building consent should be granted. Due regard has been given to the provisions of Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990.

## **11. CONCLUSION**

- 11.1 For the reasons set out in this report the proposals are deemed to comply with relevant development plan policies. It is therefore recommended that listed building consent is granted subject to the conditions listed below.

## **12. APPENDICES TO THIS REPORT**

- Appendix A – Site location plan



- Appendix B – Plan and elevation drawings

### 13. CONDITIONS RECOMMENDED FOR INCLUSION IF LISTED BUILDING CONSENT IS GRANTED

1 The works/demolition shall commence not later than three years from the date of this consent.

Reason: In accordance with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and to avoid unimplemented consents remaining effective after such lapse of time that relevant considerations may have changed.

2 Any damage or disturbance caused to the building in execution of the works shall be made good to match the original materials within six months of the approved works being completed.

Reason: To preserve the special interest of the Listed Building in accordance with Borough Local Plan Policy HE1 and the Planning (Listed Buildings and Conservation Areas) Act 1990

3 Prior to installation of the relevant works, confirmation of the RAL colour/colour reference of the duct work shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details.

Reason: To preserve the special interest of the Listed Building in accordance with Borough Local Plan Policy HE and the Planning (Listed Buildings and Conservation Areas) Act 1990

4 Prior to installation of the external condenser units, further details and confirmation of the RAL colour/colour reference of the external pipework and cable trunking shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details.

Reason: To preserve the special interest of the Listed Building in accordance with Borough Local Plan Policy HE1 and the Planning (Listed Buildings and Conservation Areas) Act 1990

5 Prior to installation of the external condenser units, further details including a detailed elevation drawing of the proposed enclosures for the external units, including finish to the materials, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details.

Reason: To preserve the special interest of the Listed Building in accordance with Borough Local Plan Policy HE1 and the Planning (Listed Buildings and Conservation Areas) Act 1990.

6 The development hereby permitted shall be carried out in accordance with the approved plans listed below.

Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

### Informatives

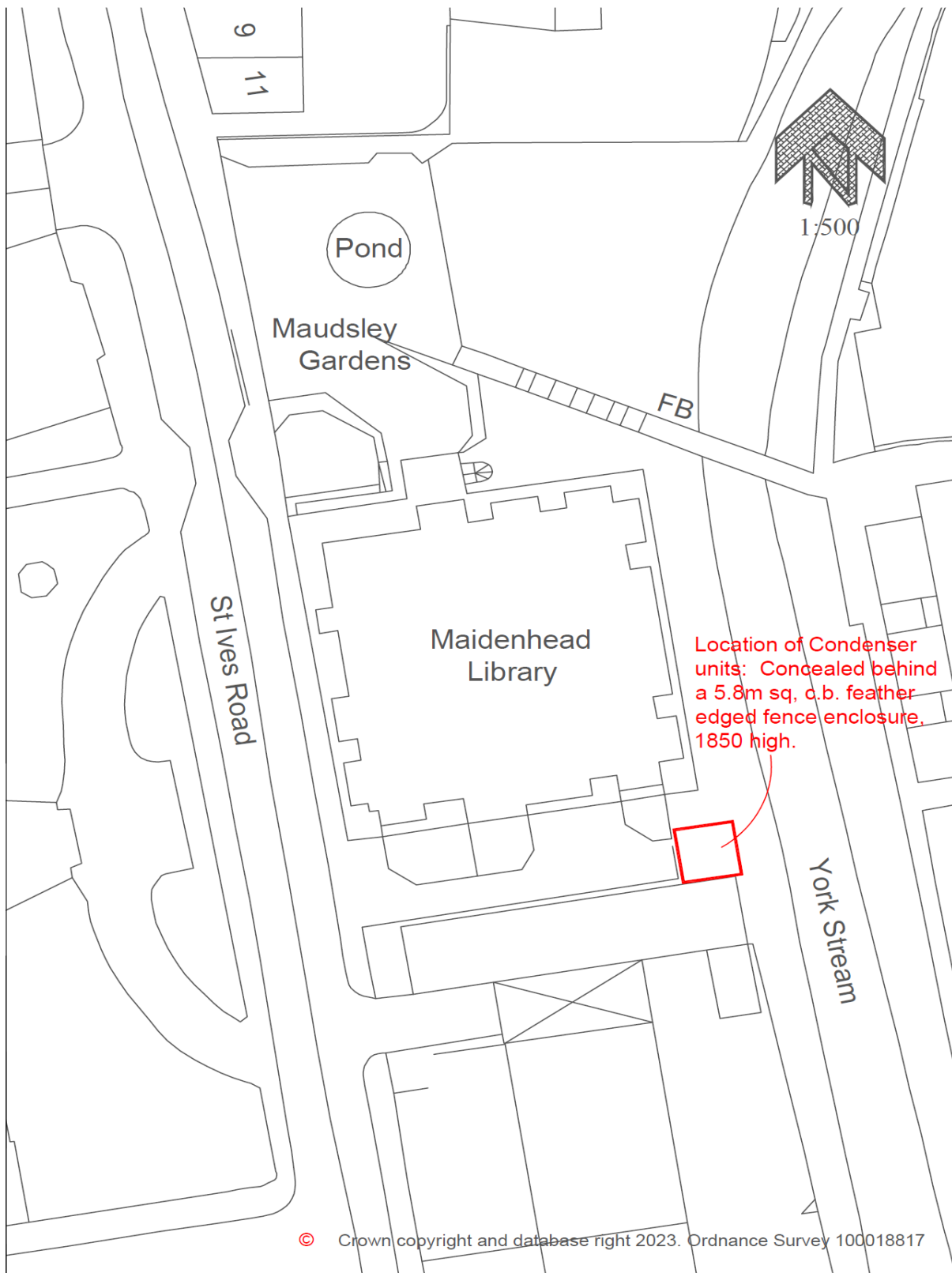
1 The applicant should note that this approval extends only to the works detailed as part of this application. In the event that the works cannot be implemented without a degree of alteration, the applicant is advised to contact the Local Planning Authority in order to ascertain whether further Consent might be required.



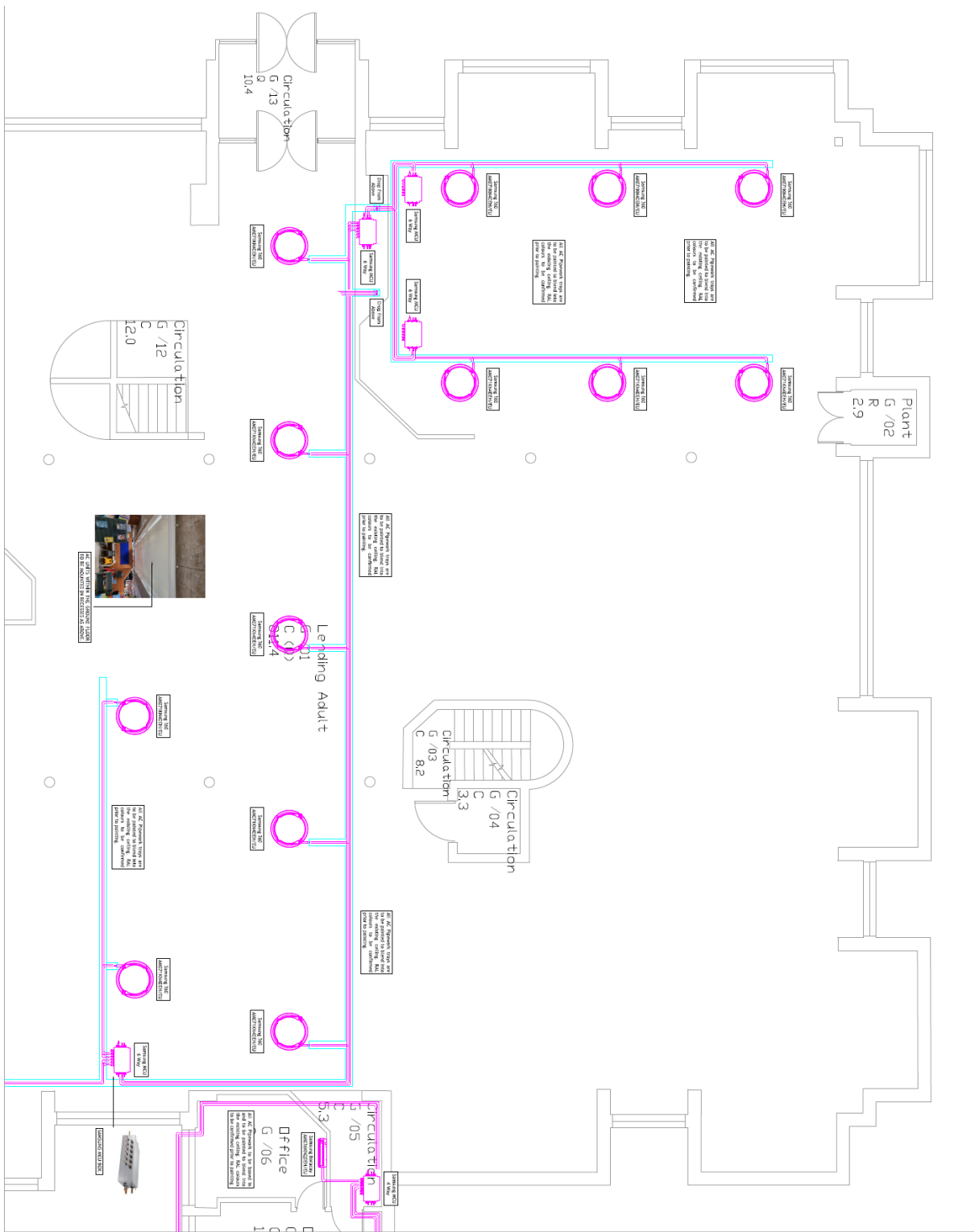
LOCATION PLAN



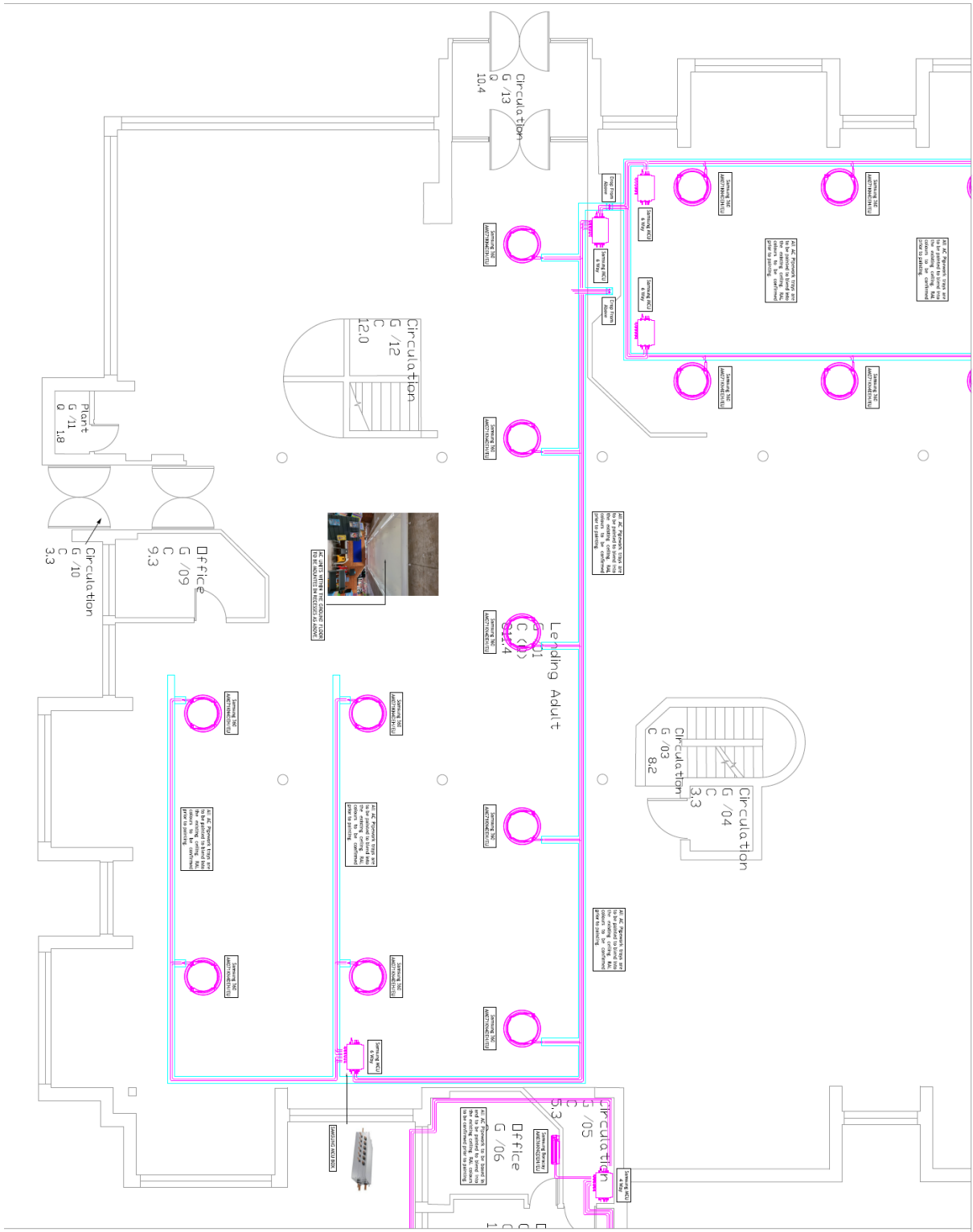
# PROPOSED SITE PLAN



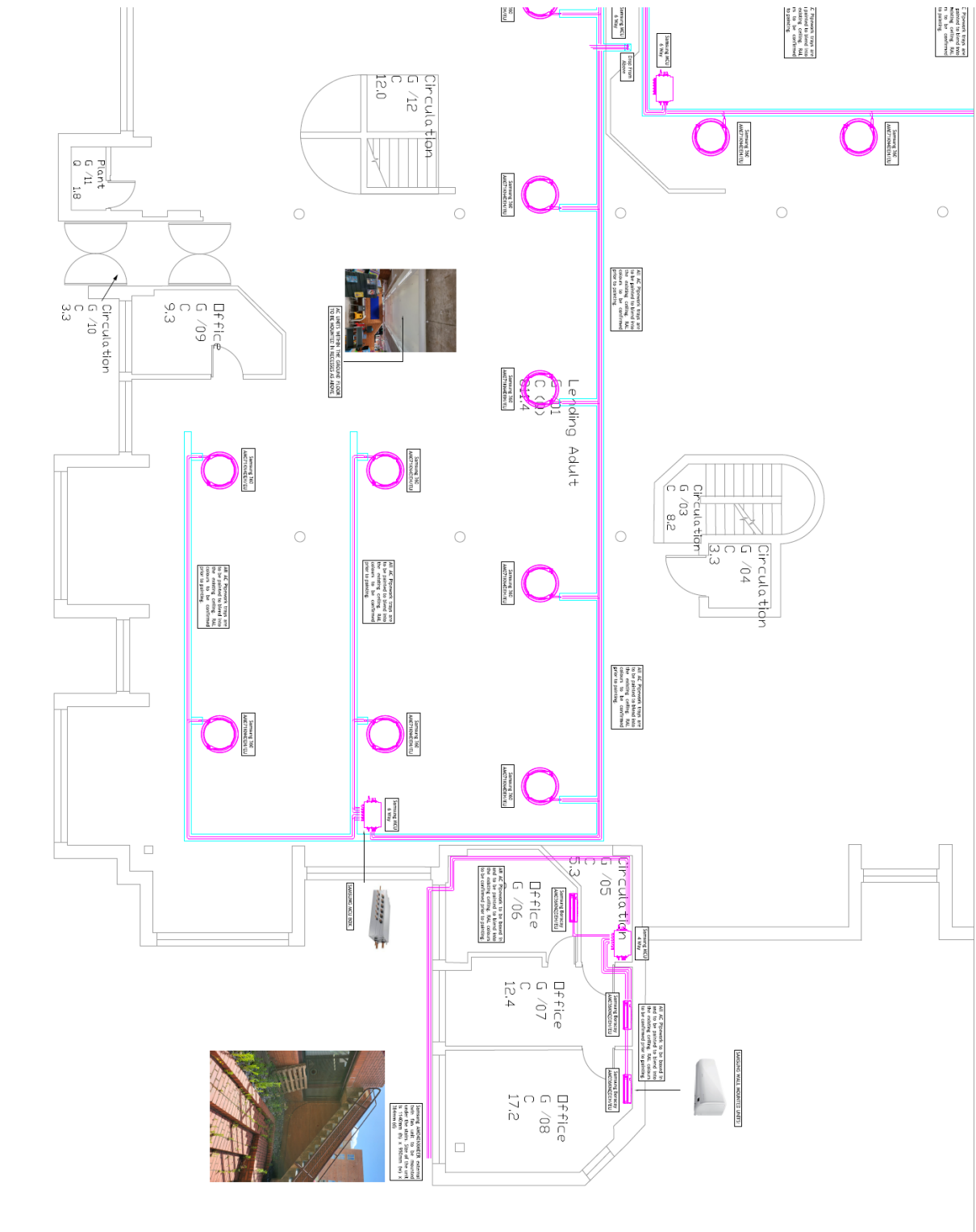
# PROPOSED GROUND FLOOR



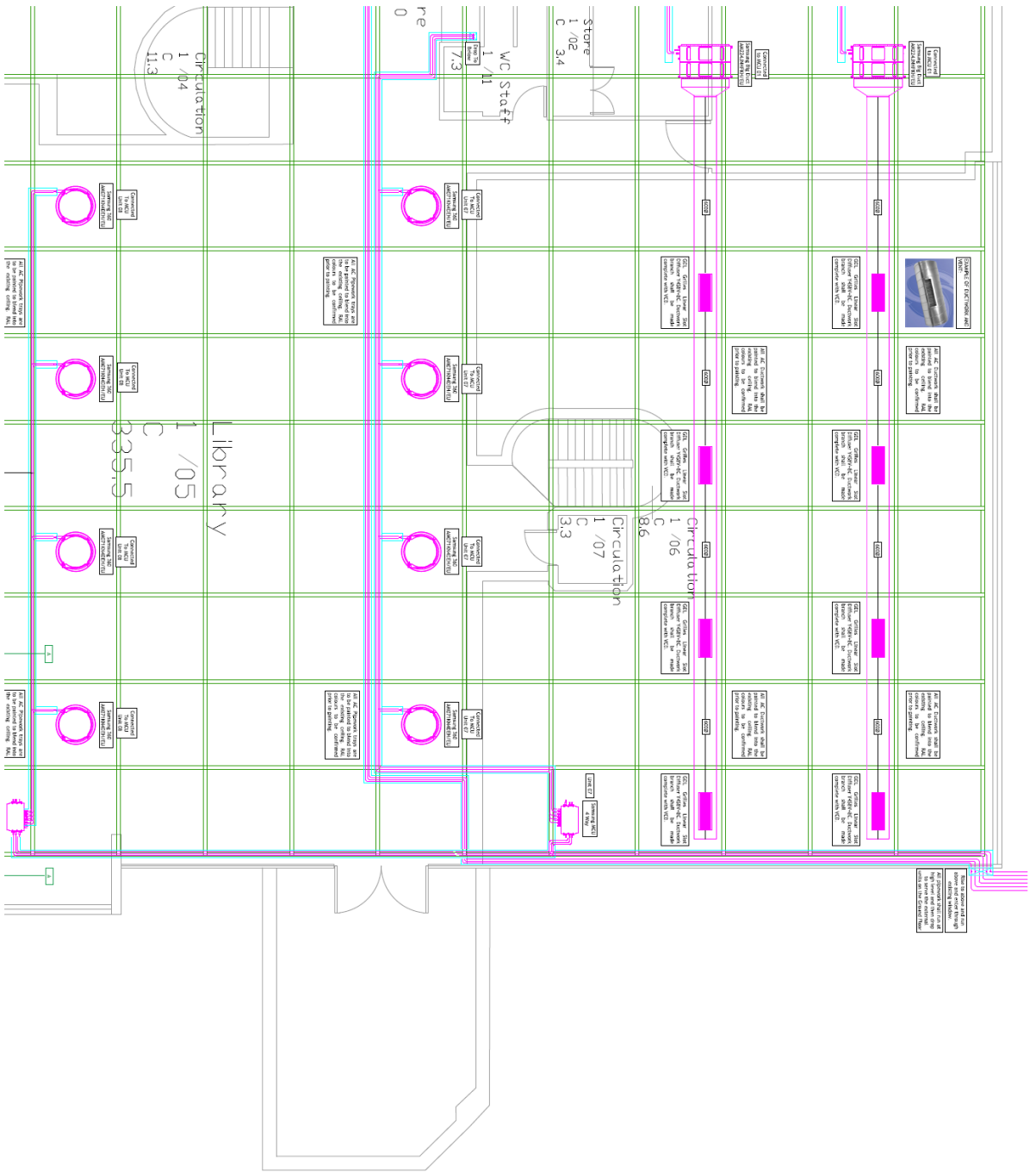
**PROPOSED GROUND FLOOR**



**PROPOSED GROUND FLOOR**

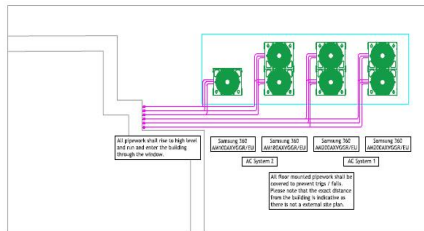


**PROPOSED FIRST FLOOR**





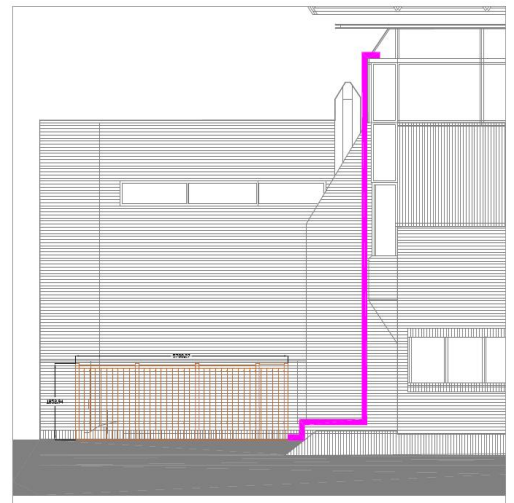
# EXTERNAL CONDENSER LOCATION



Approximate Plant Area (1:50)

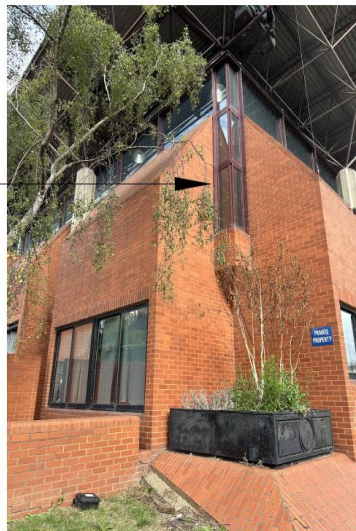


The pipework and cables will be encased in a trunking with cover as indicated on the photos. This trunking will be painted to match.



Eastern Elevation (1:50)

Trunking will be powdered coated the same colour as the window frames.



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## MAIDENHEAD DEVELOPMENT CONTROL PANEL

20 December 2023

Item: 4.

<b>Application No.:</b>	23/01738/FULL
<b>Location:</b>	12 Lees Close Maidenhead SL6 4NU
<b>Proposal:</b>	Outbuilding (retrospective)
<b>Applicant:</b>	Mr Thandi
<b>Agent:</b>	Mr Kashif Bashir
<b>Parish/Ward:</b>	Maidenhead Unparished/Boyn Hill
<b>If you have a question about this report, please contact:</b> Ritu Singh on or at <a href="mailto:ritu.singh@rbwm.gov.uk">ritu.singh@rbwm.gov.uk</a>	

### 1. SUMMARY

- 1.1 The application seeks retrospective planning permission for the construction of a detached outbuilding within the rear garden. The application relates only to the structure and not the use, with the applicant confirming during the course of the application that the proposals are for the outbuilding to be used incidental to the main residential dwelling and not as a separate residential or commercial use.
- 1.2 The principle of a detached outbuilding within the rear garden for use incidental to the residential dwelling is acceptable in principle, subject to recommended condition/informative to ensure that the structure is used solely for incidental purposes and neither as an independent residential or a commercial use. Furthermore, it has been demonstrated that the structure and use incidental to the main dwelling, has an acceptable impact on the appearance of the surrounding area, and does not result in unacceptable harm to amenities of neighbouring occupiers or parking and highway safety.

**It is recommended the Committee grants planning permission with the conditions listed in Section 14 of this report.**

### 2. REASON FOR COMMITTEE DETERMINATION

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended; such decisions can only be made by the Committee as the planning application has been called in by Cllr Bermange due to concerns that the development has an unacceptable effect on the amenities enjoyed by the occupants of adjoining properties in terms of privacy and disturbance.

### 3. THE SITE AND ITS SURROUNDINGS

- 3.1 The application site comprises a detached dwelling located in south-west Maidenhead. The site is classified in the RBWM Townscape Assessment as 'Late 20th Century Suburbs (10)' which comprise medium density housing in a suburban style, set in regular plots with short front and back gardens.
- 3.2 Immediately to the rear of the application site is the A404 (M).

### 4. KEY CONSTRAINTS

4.1 N/A

## 5. THE PROPOSAL

5.1 The application seeks retrospective planning permission for the construction of a detached outbuilding within the rear garden of the application site. The outbuilding is flat roofed, with a height of 2.6m. The submitted plans show that the outbuilding has three interlinked rooms and would be used as a gym and office space.

5.2 The application relates only to the structure and not the use, with the applicant confirming during the course of the application that the proposals are for the outbuilding to be used incidental to the main residential dwelling and not as a separate residential or commercial use.

## 6. RELEVANT PLANNING HISTORY

Reference	Description	Decision
96/30427/FULL	Demolition of double garage and construction of single storey front rear and side extensions and two storey side extension.	Approved 07.11.1996
97/31467/VAR	Demolition of double garage and construction of single storey front, rear and side extensions and two storey side extensions. (Variation to planning approval 96/30427).	Approved 04.07.1997
12/01890/FULL	Conversion of the garage to habitable accommodation.	Approved 13.08.2012
22/01885/CPD	Certificate of lawfulness to determine whether the proposed detached outbuilding is lawful.	Approved 15.09.2022

## 7. DEVELOPMENT PLAN

7.1 The main relevant policies are:

### Borough Local Plan (BLP)

Issue	Policy
Character and Design of New Development	QP3
Sustainable Transport	IF2

## 8. MATERIAL PLANNING CONSIDERATIONS

### National Planning Policy Framework Sections (NPPF)

Section 2 – Achieving sustainable development

Section 4- Decision-making

Section 9- Promoting Sustainable Transport

Section 12- Achieving well-designed places

### Supplementary Planning Documents

- Borough Wide Design Guide

### Other Local Strategies or Publications

Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment
- RBWM Landscape Assessment
- RBWM Parking Strategy

## 9. CONSULTATIONS CARRIED OUT

### Comments from interested parties

Three occupiers were notified directly of the application.

Six letters were received objecting to the application, summarised as:

Comment		Where in the report this is considered
1.	Outbuilding built without planning permission and in breach of Lawful Development Certificate and Building Regulations.	Noted. However, this does not preclude the determination of the application in accordance with development plan policies. Building regulations are separate from the planning process.
2.	Concerns regarding dimension of outbuilding.	Scaled plan and elevation drawings have been submitted with the application and are acceptable for the purposes of the assessment of the application.
3.	Built on national highways land.	The proposed outbuilding is within the red edge of the existing dwelling on the site.
4.	The building is out of keeping with the area and its surrounding.	See section 10.
5.	Trees were removed which now causes light, air and noise pollution from A404.	Noted. However, the application relates only to the outbuilding. The trees which have been removed were on National Highways land; however, these were not protected and not in a conservation area and any action would therefore need to come from National Highways.
6.	Purpose of outbuilding is 2 bed/2 bath bungalow.	See section 10.
7.	Parking concerns.	See section 10.
8.	Drainage and rainwater concerns.	Noted. However, this would not preclude the determination of the current application in accordance with relevant development plan policies.

9.	Property devaluation.	Noted. However, this is not a material planning consideration in the determination of the planning application in accordance with relevant development plan policies.
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**Consultees**

Consultee	Comment	Where in the report this is considered
National Highways	<p>Recommend that planning permission not be granted until 13<sup>th</sup> December. Concerns raised that it is not clear the distance between the outbuilding and National Highways fence and no drainage information has been provided.</p> <p>National Highways also note that unauthorised activities appear to have taken place on National Highways land and assets.</p>	<p>Noted. No decision will be made until after the 13<sup>th</sup> December. The applicant has been made aware of the comments and an informative is recommended.</p> <p>The application relates onto the outbuilding which is sited on land owned by the applicant as shown by the red edge on the plans and the signing of Certificate A on the application form.</p> <p>Access required for maintenance and drainage matters are covered by other legislation and would not preclude the determination of the application. The applicant has been made aware of these comments and an informative is also recommended.</p> <p>The trees which have been removed were on National Highways land; however, these were not protected and not in a conservation area and any action would therefore need to come from National Highways.</p>

**10. EXPLANATION OF RECOMMENDATION**

10.1 The key issues for consideration are:

- i Principle of Development;
- ii Design and Character;
- iii Impact on amenity of neighbouring buildings; and,
- iv Parking and Highways Impacts.

**Principle of Development**

10.2 The application seeks retrospective planning permission for the construction of outbuilding located in the rear garden. The application relates only to the structure and

not the use, with the applicant confirming that the structure is for use incidental to the main dwelling on the site and not for either a separate residential or a commercial use.

- 10.3 In this context, the principle of an incidental outbuilding within the rear garden is acceptable. However, given the scale and rooms proposed within the structure, in order to ensure that the development would remain incidental to the host dwelling, it is reasonable to recommend a condition to ensure the building remains incidental to the main house. An informative is also recommended to advise the applicant that use for either an independent residential dwelling or a commercial use would require a separate grant of planning permission.

### **Design and Character**

- 10.4 The appearance of a development is a material planning consideration and the National Planning Policy Framework, Section 12 (Achieving Well-Designed Places) and BLP Policy QP3, advises that all development should seek to achieve a high quality of design that improves the character and quality of an area.
- 10.5 The construction of residential outbuildings for a use incidental to the main dwellinghouse have become an increasing feature of rear garden areas such as this, with the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development (GPDO)) (England) Order 2015 (As Amended), allowing for the construction of outbuildings, subject to certain conditions, without the need for planning permission.
- 10.6 A lawful development certificate was granted at the site in 2022 for a detached outbuilding to the rear of the garden (see section 4). Whilst the current proposal differs from the 2022 proposal, in this context, the principle of a detached outbuilding in this location is acceptable and could be implemented at the site.
- 10.7 The overall height of the building as submitted as part of this application is 2.6m. The building, given its form, scale and location, and in this context, does not have a harmful impact on the character and appearance of the existing dwelling and given its location within an enclosed rear garden and has a limited impact on the character and appearance of the area when viewed from the road or neighbouring gardens. The proposal respects the appearance and design of the host dwelling and the appearance and character of the street scene is not harmed.
- 10.8 In assessing the proposed development, it is noted that the property benefits from permitted development rights, with a similar outbuilding deemed to be lawful in 2022 (see section 4). Whilst the outbuilding as built, is within 2m of the boundary of the site and with a height of 2.6m is above the height limit of 2.5m as set out in the GPDO (as set out above) and therefore requires planning permission, it is a material planning consideration in the determination of the current application that if the overall height of the building were to be reduced to 2.5m, in this case, planning permission would not be required. The difference between this position and the as built is a height of only 0.1m and this additional height does not result in a harmful impact on the overall appearance of the area.

### **Amenities**

- 10.9 BLP Policy QP3 sets out that development should have no unacceptable effect on the amenities enjoyed by the occupants of adjacent properties. The outbuilding is single storey in height and is sited a considerable distance from the closest boundary with the adjacent residential property, with the A404(M) to the rear. The outbuilding

structure does not result in unacceptable harm to the amenities of neighbouring properties in terms of light, privacy or increased sense of enclosure.

- 10.10 As set out above, the application relates only to the structure and not the use, with the applicant confirming that the structure would be for use incidental to the main dwelling on the site and not for either a separate residential or a commercial use. The use of the outbuilding as a home office and gym is not considered to cause any unacceptable noise or disturbance to occupants of neighbouring properties in the context of the existing residential use of the site. However, given the scale and rooms proposed within the structure, in order to ensure that the development would remain incidental to the host dwelling, it is reasonable to recommend a condition to ensure the building remains incidental to the main house. An informative is also recommended to advise the applicant that use for either an independent residential dwelling or a commercial use would require a separate grant of planning permission.

### **Parking and Highways**

- 10.11 The outbuilding is incidental to the existing residential use on the site, with no increased parking demand as such. The proposals do not impact on available parking on the site and sufficient space remains to accommodate the car parking for the existing dwelling.

### **11. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 11.1 The development would not be liable to pay CIL.

### **12. CONCLUSION**

- 12.1 For the reasons set out in this report the proposals are deemed to comply with relevant development plan policies. It is therefore recommended that Planning Permission should be granted subject to the conditions listed below.

### **13. APPENDICES TO THIS REPORT**

- Appendix A - Site location plan
- Appendix B – plan and elevation drawings

### **14. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED**

- 1 The materials to be used on the external surfaces of the development shall be in accordance with those specified in the application unless any different materials are first agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan QP3.

- 2 The development hereby permitted shall not be occupied at any time other than for purposes incidental to the residential use of the dwelling.

Reason: Occupation as a separate unit of residential accommodation or commercial use would result in an unsatisfactory living environment for occupiers of both the existing house and the new development and the amenities of surrounding occupiers.

### **Informatives**

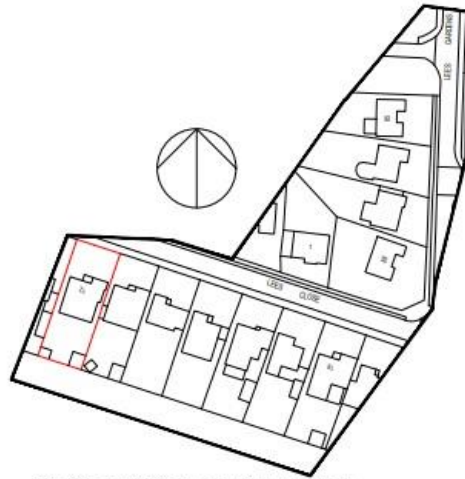
- 1 The applicant should be aware that planning permission is granted for the



development as set out in the description of development. The structure should remain ancillary to the main dwelling as secured by condition. Further planning permission would be required should the applicant wish to use the structure as an independent residential unit or for a commercial use.

- 2 The applicants attention is drawn to comments raised by National Highways with regard to maintenance access and drainage. The applicant is advised to contact National Highways ([planningSE@nationalhighways.co.uk](mailto:planningSE@nationalhighways.co.uk)) for further information.





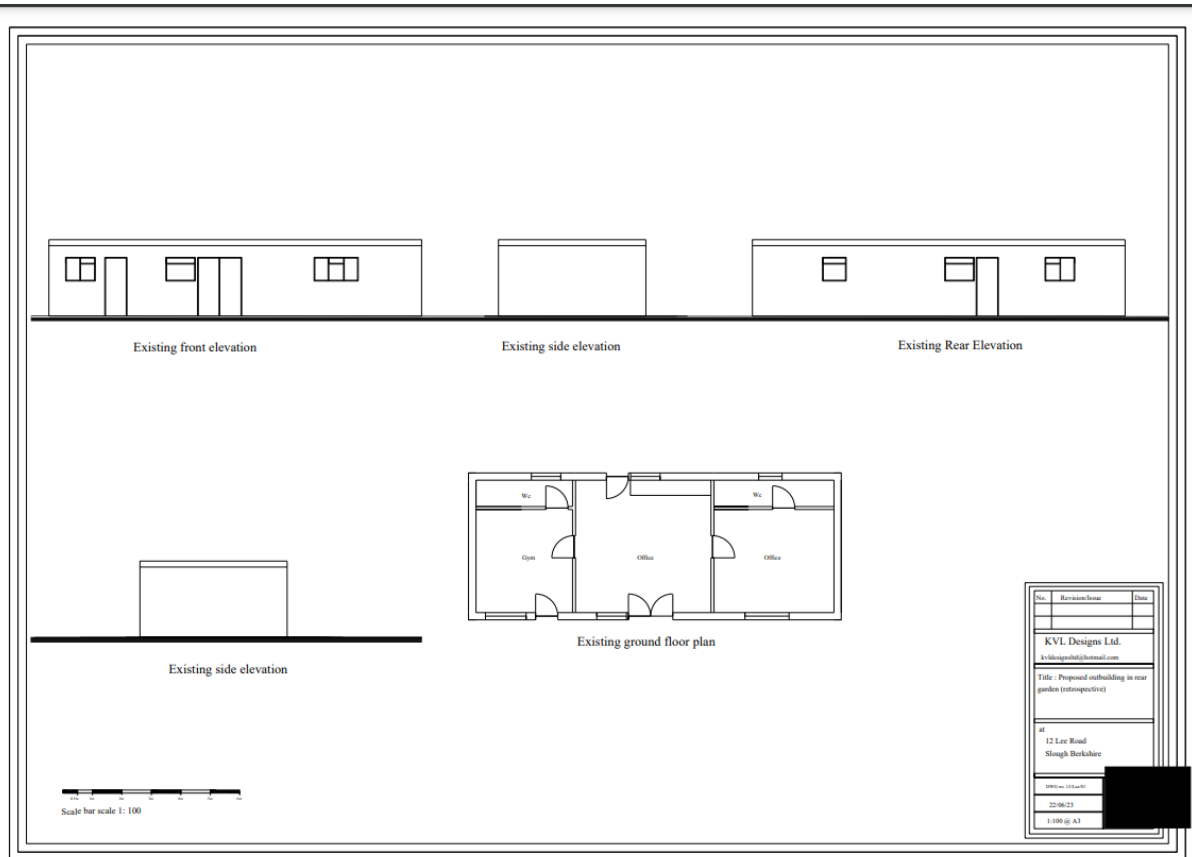
Site Plan 1 : 1250 12 Lees Road, Maidenhead



Site/Location plan



Block plan



Proposed plans and elevations

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## MAIDENHEAD DEVELOPMENT CONTROL PANEL

20 December 2023

Item: 5.

<b>Application No.:</b>	23/02149/OUT
<b>Location:</b>	Shottesbrooke Farm Agricultural Barn 2 Waltham Road Maidenhead
<b>Proposal:</b>	Outline application for access and scale only to be considered at this stage with all other matters to be reserved for an agricultural barn.
<b>Applicant:</b>	Mr And Mrs Smith
<b>Agent:</b>	Mr Tom McArdle
<b>Parish/Ward:</b>	White Waltham Parish/Hurley And Walthams
<b>If you have a question about this report, please contact:</b> Carlos Chikwamba on 01628796745 or at carlos.chikwamba@rbwm.gov.uk	

### 1. SUMMARY

- 1.1 This is an outline application for an alternative large agricultural building to the one approved under application; 22/02929/OUT on land belonging to the Shottesbrooke Estate, adjacent to the Grove Business Park in Waltham Road. The proposed building has similar dimensions in terms of size, and it will retain the same storage requirements as previously consented, therefore, the barn is deemed to be needed for the agricultural purposes is an exception to inappropriate development within the Green Belt.

**It is recommended the Committee authorises the Head of Planning to grant planning permission with the conditions listed in Section 12 of this report.**

### 2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended as this is a major application; such decisions can only be made by the Panel.

### 3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site is an area of open landscape, which forms part of Shottesbrook Farm. The site is immediately to the north-east of the Grove Business Park and a short way south-west of the White Waltham Airfield. The site is separated from the business park by a 2m high metal fence, and there are a number of trees near the boundary within the business park which are the subject of Tree Preservation Orders. The site lies in the Green Belt.

### 4. KEY CONSTRAINTS

- 4.1 Green Belt

### 5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The application seeks outline planning permission for an agricultural barn, with access and scale only to be considered at this stage. The proposed scheme is a revision of the previously approved proposal for a similar sized barn in a different location. The

current proposal moves the building to the south of the site to improve access and manoeuvrability.

- 5.2 The proposed barn will have an eaves height of 7.69m and a total height of 10.65m, this an increase of about 0.69 metres and 0.85 metres, respectfully, relative to the previously approved scheme. However, the length of the barn will be reduced from 67metres to 61 metres and the depth will remain at 30 metres. Therefore, the revised barn will have smaller footprint the previously approved scheme.

<b>Ref.</b>	<b>Description</b>	<b>Decision and Date</b>
18/02770/OUT	Erection of a single storey agricultural barn.	Approved – 24.1.2019
19/03067/OUT	Outline application for access, appearance, layout and scale only to be considered at this stage with all other matters to be reserved for an agricultural barn. (Revision to 18/02770/OUT).	Approved – 23.01.2020
20/00709/REM	Reserved matters (Landscaping) pursuant to outline planning permission 19/03067/OUT for Outline application for access, appearance, layout and scale only to be considered at this stage with all other matters to be reserved for an agricultural barn	Application permitted on the 23.06.2020
20/00850/CONDIT	Details required by condition 6 (surface water drainage scheme) and 7 (noise attenuation) of planning permission 19/03067/OUT for outline application for access, appearance, layout and scale only to be considered at this stage with all other matters to be reserved for an agricultural barn.	Approved 3 <sup>rd</sup> June 2020.
21/03432/CLASSM	(Class R) Change of use of part of the agricultural building to storage and distribution (Class B8).	Approval required and granted – 18.11.2021.
22/02929/OUT	Outline application for access and scale only to be considered at this stage with all other matters to be reserved for an agricultural barn.	Approved - 27.02.2023

## 6. DEVELOPMENT PLAN

- 6.1 The main Development Plan policies applying to the site are:



<b>Issue</b>	<b>Policy</b>
Spatial Strategy for the Borough	SP1
Sustainability and Placemaking	QP1
Character and Design of New Development	QP3
Development in Rural Areas and Green Belt	QP5
Sustainable Drainage	NR1

## 6.2 Hurley and the Walthams Neighbourhood Plan (2017)

<b>Issue &amp; Policy</b>
<p><b>WW3</b> – White Waltham Airfield Proposals for development on the White Waltham Airfield, as shown on the Policies Map, will only be supported if they are ancillary to the established airfield use, conserve heritage assets and are appropriate in the Green Belt.</p> <p>White Waltham Airfield is designated as an Area of Special Character, and the text refers to the protection of existing buildings within the airfield. Policy GEN3 is concerned with Areas of Special Character. It states:</p> <p><b>GEN3</b> Development proposals in a designated area should have regard to the desire to conserve and enhance the characteristics that define that area, as set out in the Neighbourhood Plan Areas of Special Character Study.</p>

## 7. **MATERIAL PLANNING CONSIDERATIONS**

### 7.1 **National Planning Policy Framework Sections (NPPF) (2023)**

Section 4 – Decision-making

Section 12 – Achieving well-designed places

Section 13 – Protecting Green Belt land

Section 14 – Meeting the challenge of climate change, flooding and coastal change

#### **Other Local Strategies or Publications**

### 7.2 Other Strategies or publications material to the proposal are:

- RBWM Landscape Character Assessment

## 8. **CONSULTATIONS CARRIED OUT**

A site notice was displayed on the 9<sup>th</sup> of November 2023.  
 An advert was placed in the local press on the 3<sup>rd</sup> of November 2023.

**Comments from interested parties.**

No comments have been received to date.

**Consultees and Other parties**

<b>Comment</b>	<b>Officer's response</b>
<i>Parish Council;</i> No Objections.	Noted.
<i>Highways;</i> No objections.	Noted.
<i>The Lead Local Flood Authority;</i> No Objections subject to a drainage condition.	Noted.

**9. EXPLANATION OF RECOMMENDATION**

9.1 The key issues for considerations;

- i. Green Belt
- ii. Character and Appearance
- iii. Amenities
- iv. Trees
- v. Highways
- vi. Grove Business Park and potential future uses there
- vii. Other material considerations
- viii. Conclusion

**9.2 Green Belt**

9.3 The application site is located within the Green Belt. Paragraph 149(a) of the NPPF (2023) states that the construction of new buildings for agriculture and forestry are exceptions to inappropriate development in the Green Belt. Policy QP5 of the Local Plan refers to the NPPF regarding exceptions to inappropriate development in the Green Belt.

9.4 As already mentioned, the proposed application relates to a revised alternative barn to the one approved under application; 22/02929/OUT which was required to store fertilizer, seed, woodchip straw and winter wheat, and a grain trailer, and therefore required for agricultural purposes. The revised dimensions of the new proposed building will have an eaves height of 7.69m and a total height of 10.65m, this an increase of about 0.69 metres and 0.85 metres, respectfully, relative to the referenced

approved scheme. However, the length of the barn will be reduced from 67metres to 61 metres and the depth will remain at 30 metres. Based on the measurements above, the alternative scheme will have a total floor space of about 1,830sqm which would be about 170sqm less than the approved scheme. However, that reduction in floorspace space will be offset with the increase in height of 0.85m of the proposed barn relative to the approved barn. Therefore, the proposed barn will still accommodate the space and storage requirements reasonably required for the purposes of agriculture specifically outlined in the previous approval.

- 9.5 There is a turning area included within the current proposal, as indicated in the area to the north of the submitted site plan. The turning area is considered to be an engineering operation under paragraph 150(b) of the NPPF (2023). The turning area is not considered to cause any material harm to the openness of the Green Belt, and is considered this element preserves the openness of the Green Belt and is therefore appropriate development within the Green Belt.
- 9.6 Overall, based on the considerations above, the revised barn would be very similar in size and considered that it will fulfil the same agricultural function as the previously approved barn, the proposed barn is reasonably required for the purposes of agriculture. Consequently, it is considered that the proposal is an exception to inappropriate development in the Green Belt and complies with Paragraph 149(a) of the NPPF (2023), and policy QP5 of the Adopted Local Plan. Given that the building approved under permission 22/02929/OUT and this proposed scheme could both be built out, it is considered necessary to impose a condition to ensure that only of these schemes built out, as there is only justification that one building of this scale is required for agricultural purposes.

#### 9.7 **Character and appearance**

- 9.8 One of the core planning principles contained within the NPPF seeks to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Section 12 of the NPPF concentrates on guiding the overall scale, density, massing, height, landscape, layout, materials, and access of new buildings in relation to neighbouring buildings and the local area more generally. Policies QP1 and QP3 of the BLP and the Borough Wide Design Guide are in line with the above policy guidance.
- 9.9 This outline application seeks the scale to be addressed at this stage. The revised dimensions of the new Barn will have an eaves height of 7.69m and a total height of 10.65m, this an increase of about 0.69 metres and 0.85 metres, respectfully, relative to the referenced approved scheme. However, the length of the barn will be reduced from 67metres to 61 metres and the depth will remain at 30 metres. Therefore, the revised barn will have smaller footprint than previously approved. Therefore, the scale of the building is considered to other buildings that exist on this site, which are of a large scale. Overall, the scale is considered acceptable.
- 9.10 It is noted that the scheme will be sited further south of the site and will be closer to the approved Grove Park residential development. However, the barn will still be at least 50 metres away from this development. Therefore, it is not considered the scheme would have a detrimental impact upon future occupiers of this site. The barn would also be even closer proximity of the remaining buildings within Grove Park Business Park, which are not part of the application site for the aforementioned Grove Park residential development and the neighbouring buildings within Grove Park

Business Park are one of a commercial use. Therefore, the development is not considered to have any impacts on their operational use.

9.11 Whilst, appearance and layout would be considered at reserved matters stage, based on the indicative plans submitted the, the barn will be sited in an appropriate location close enough to the previously approved barn and existing barns within Shottesbrook Farm. Furthermore, it has been indicated that the materials will comprise of a standard steel portal frame construction with concrete wall panels, box profile wall cladding, profile 6 natural grey fibre cement roof cladding and roller shutter door and a conventional pitched roof is also proposed, all these elements are similar to the adjacent approved barn. Therefore, the appearance and layout of the barn is likely to be accepted at reserved matters stage.

#### 9.12 **Trees**

9.13 Policy NR3 of the Local Plan requires the protection of important trees on or near development sites. In this case, there are no trees within the application site, but there are trees within the Grove Business Park adjacent to the site which are the subject of Tree Preservation Orders. The building would at least 50m away from the boundary and outside of the Root Protection Areas of the protected trees. It is considered that they are far enough away not to be affected by the proposed development. The impact on trees is therefore acceptable, and the proposal complies with Policy NR3 of the Local Plan.

#### 9.14 **Highways**

9.15 The proposed new barn would be accessed from an existing junction onto Waltham Road and is unlikely to result in any significant traffic impact. The new turning area improves the access arrangements on the site beyond what was approved in the previous outline application. Therefore, it is not considered that the proposal would lead rise to any highway safety issues.

#### 9.16 **Other material considerations**

9.17 As this is a major development, a sustainable drainage scheme needs to be provided. The applicant confirmed that all drainage will be via infiltration. The Lead Local Flood Authority raise no objections to this in principle, provided a pre-commencement condition is imposed.

9.18 As already mentioned this an alternative scheme to the previously approved application ref; 22/02929/OUT. Therefore, to avoid both schemes being implemented a condition will be added to the permission to ensure that only one scheme out the two is implemented to avoid an inappropriate form of development in the Green Belt.

9.19 The Policies Map for the Hurley and the Walthams Neighbourhood Plan shows the White Waltham Airfield site as incorporating the site of the proposed barn, and also several other fields. The applicant under application; 18/02770/OUT provided a copy of the Civil Aviation Authority licence registration, which included a plan defining the boundaries of the White Waltham Airfield. Based on this plan, the proposal would be clearly outside the boundaries of the Airfield. If it were within the airfield, Policy WW3 would apply, which is as follows: 'Proposals for development on White Waltham Airfield, as shown on the Policies Map, will only be supported if they are ancillary to

the established airfield use, conserve heritage assets, and are appropriate in the Green Belt.' It is considered that the barn would be appropriate development in the Green Belt, also the site is not part of the airfield, and the proposal conserves heritage assets (namely the buildings on the airfield). The barn would be in close proximity to an existing barn (subject of approved application; 21/03432/CLASSM - Change of use of part of the agricultural building to storage and distribution), which is part of the operations at Shottesbrook Farm, this existing barn is much closer to the Airfield's boundary than the proposed barn. Given the location of the barn it is not considered that it would in any case prejudice the operation of the airfield or harm the heritage asset. The proposal has a degree of conflict with Policy WW3 but does not contravene the requirements, aims and purposes of the policy based on the information provided. The previous planning permissions for barns close to the application site were also considered in light of the foregoing and considered to be acceptable.

## **10. CONCLUSION**

The proposal is considered to be appropriate development in the Green Belt and would not be harmful to the character of the area, or to the health of nearby protected trees. It would not harm the future residential use of the neighbouring Grove Business Park. The proposal would not harm or prejudice the continued use of the airfield site despite some limited conflict with the Policy Map shown as part of Neighbourhood Plan policy WW3. The proposal is therefore considered acceptable and material planning considerations do not lead to a different conclusion.

## **11. APPENDICES TO THIS REPORT**

- Appendix A - Site location plan and site layout
- Appendix B – Elevations and floor plan

## **12. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED**

- 1 An application for the approval of the reserved matters shall be made to the Local Planning Authority within three years of the date of this permission  
Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).
- 2 The Development shall commence within two years from the date of approval of the last of the reserved matters.  
Reason: In accordance with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).
- 3 Details of the appearance, layout and landscaping (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is commenced.  
Reason: To accord with the provisions of the Town and Country Planning (General Development Procedure) Order 1995.
- 4 No construction shall commence until a surface water drainage scheme for the development, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. Details shall include: -Full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert levels, cover levels and relevant construction details.-Supporting calculations based on infiltration rates determined by infiltration testing carried out in accordance with BRE365 confirming compliance with the Non-

Statutory Standards for Sustainable Drainage Systems-Details of the maintenance arrangements relating to the proposed surface water drainage system, confirming who will be responsible for its maintenance and the maintenance regime to be implemented-The surface water drainage system shall be implemented and maintained in accordance with the approved details thereafter.

Reason: To ensure compliance with the National Planning Policy Framework and the Non-Statutory Technical Standards for Sustainable Drainage Systems, and to ensure the proposed development is safe from flooding and does not increase flood risk elsewhere.

- 5 The approved development, the subject of this permission, shall not be implemented if any part of the development approved under application number; 22/02929/OUT has commenced. Likewise if the development hereby approved is carried out, the development approved under; 22/02929/OUT shall not then be implemented.

Reason: If both permissions were implemented, it would result in an inappropriate form of development in the Green Belt.

- 6 The development hereby permitted shall be carried out in accordance with the approved plans listed below.

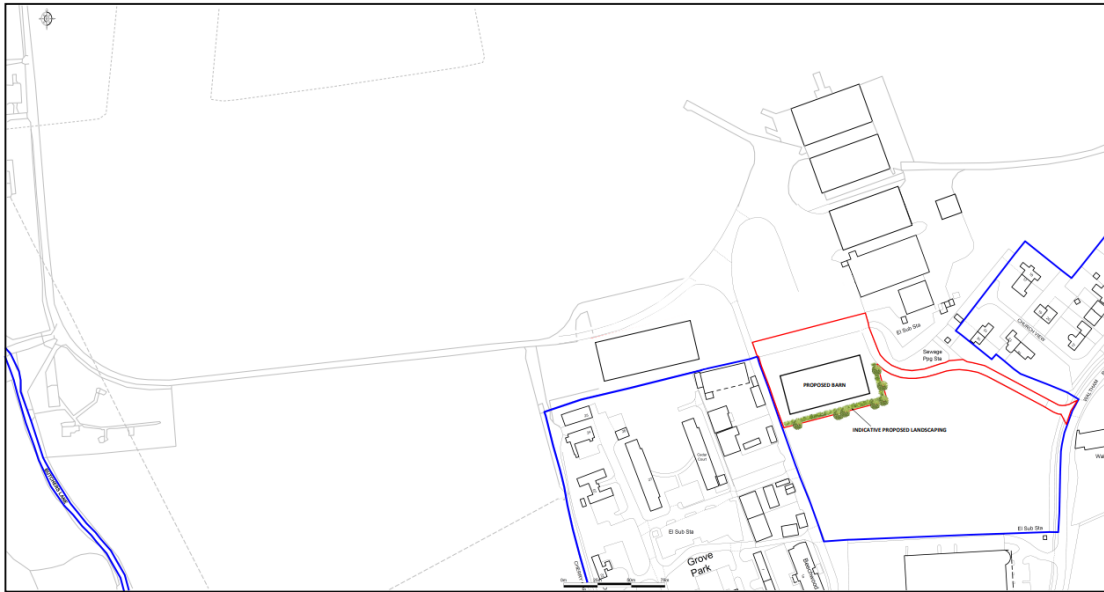
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.



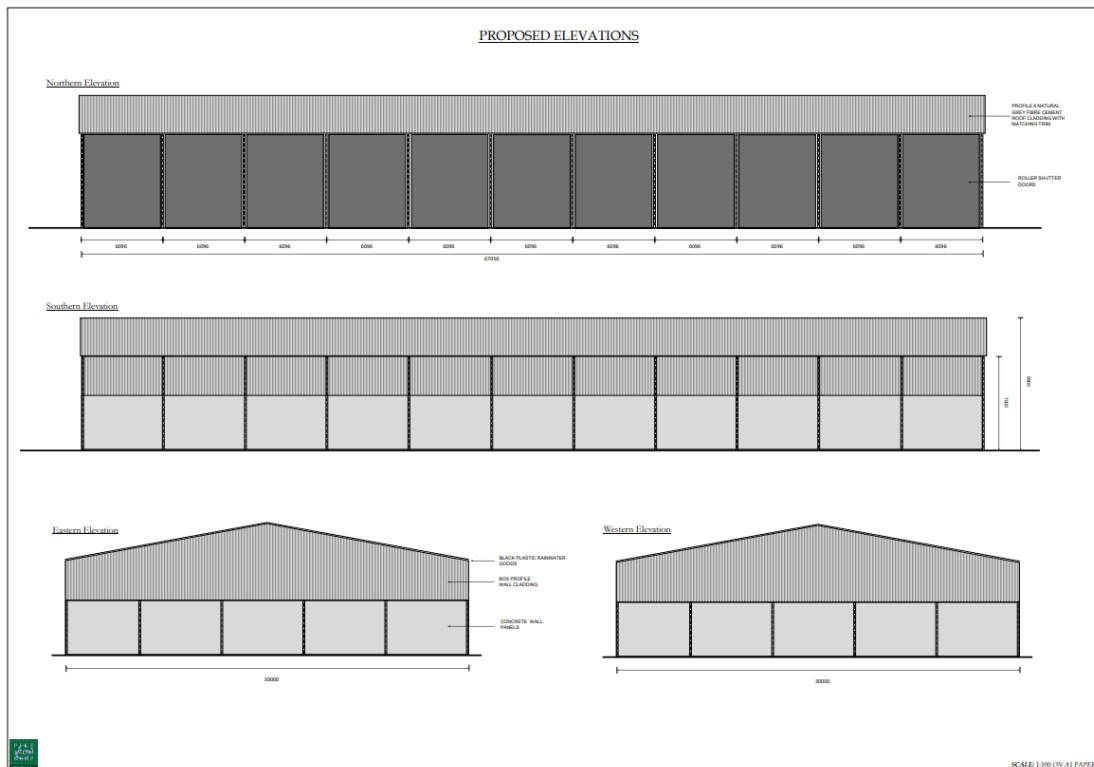
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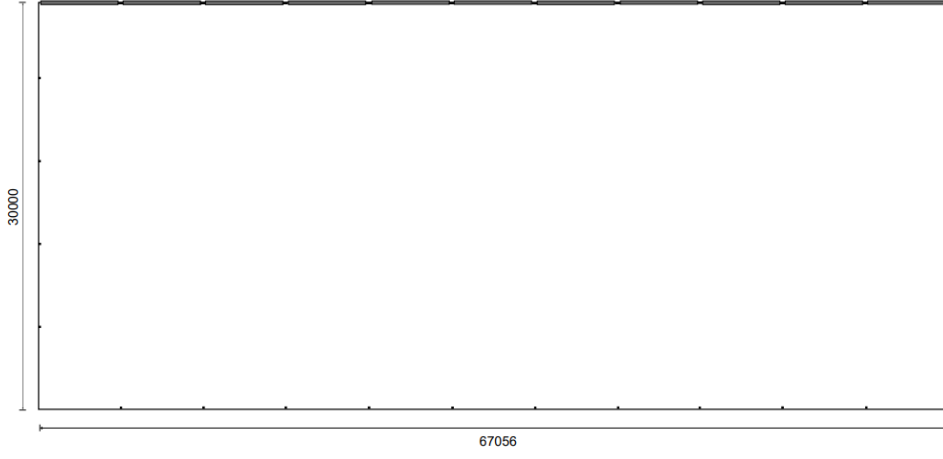
## Appendix A – Site Plan and Site Layout



## Appendix B – Elevation and Floor plan



PROPOSED FLOOR PLAN



SCALE: 1:100 ON A1 PAPER

PROPOSED ROOF PLAN



SCALE: 1:100 ON A1 PAPER

## MAIDENHEAD DEVELOPMENT CONTROL PANEL

20 December 2023

Item: 6.

<b>Application No.:</b>	23/02268/OUT
<b>Location:</b>	Private Car Parking Area At Southern End of Stafferton Way Maidenhead
<b>Proposal:</b>	Outline application for access, appearance, layout and scale only to be considered at this stage with all other matters to be reserved for the erection of six storey building to include 43 flats with associated parking.
<b>Applicant:</b>	N And R Investments Ltd
<b>Agent:</b>	Mr Chris Hall
<b>Parish/Ward:</b>	Maidenhead Unparished/Oldfield
<b>If you have a question about this report, please contact:</b> Sarah Tucker on or at sarah.tucker@rwm.gov.uk	

### 1. SUMMARY

- 1.1 The application seeks outline planning permission for access, appearance, layout and scale to be considered at this stage, with landscaping reserved, for the erection of a six storey building to include 43 flats, with 15 car parking spaces and 82 cycle parking spaces.
- 1.2 The proposed development has submitted fails to demonstrate compliance with a number of relevant development plan policies as detailed below. The application fails to demonstrate that the sequential test is passed, there is a lack of detail regarding climate change mitigation, insufficient detail regarding affordable housing, an inappropriate dwelling mix, a lack of communal amenity space, insufficient detail on surface water drainage, the building is located within the 8m buffer zone of a main river, harm has been identified to the visual amenity of the streetscene on both sides of the river, the proposals would dominate the streetscene and river landscape, would result in an unacceptable level of harm to highway safety, there is lack of detail of the effects on air quality, identified harm to the ecology of The Cut, which is a priority habitat, no biodiversity net gain has been demonstrated and there would be harm on the adjacent trees.
- 1.3 Given the harm to flood risk, the titled balance set out in paragraph 11(d) of the NPPF is not engaged and for the reasons detailed below, the application is contrary to relevant development plan policies. The application is therefore recommended for refusal.

<b>It is recommended the Committee refuses planning permission for the following reasons:</b>	
<b>1.</b>	<b>The site lies predominately within Flood Zone 3 and the proposal fails the sequential test as it is not proven that there are other available sites in areas of lower flood risk in the Borough that could be developed for housing. As such this the development represents inappropriate more vulnerable development a high flood risk zone contrary to Policy NR1 of the adopted Borough Local Plan and the NPPF paragraph 161-165.</b>

2.	In the absence of a Sustainability/Energy Statement, the application fails to demonstrate that the development adapts to and mitigates climate change and to calculate and secure any potential carbon off-set financial contribution for the development through a completed legal agreement. As such, the proposal is contrary to policy SP2 of the Borough Local Plan and the guidance contained in the Interim Sustainability Position Statement.
3.	In the absence of detail regarding the location, size or position of affordable housing or a completed legal agreement to secure the required affordable housing, the application fails to provide affordable housing which would meet the needs of the local area. As such, the proposals are contrary to policy HO3 of the Borough Local Plan.
4.	The proposed development would have an over-provision of 1no. bed flats and an under-provision of 3no. and 4no. flats when compared to the 2016 Berkshire Strategic Housing Market Assessment. As such, the proposals would therefore fail to provide an appropriate mix of dwelling types and sizes reflecting the most up to date evidence, contrary to Policy HO2 of the Borough Local Plan.
5.	On the basis of the information provided, the application fails to fully assess the surface water drainage implications of the proposed development in the surrounding area and as such the proposal is contrary to Policies QP2 and NR1 of the Borough Local Plan.
6.	The proposed development fails to provide an adequate buffer to the river bank of the adjacent waterway required for maintenance and would therefore cause harm to nature conservation and habitats. The proposal would therefore be contrary to Borough Local Plan policies NR1 and NR2.
7.	The proposed development, by reason of its height, scale, mass, bulk and design, would unduly dominate the streetscene of Stafferton Way and the footpath and allotment gardens on the opposite site of The Cut river resulting in a degradation of the visual amenity of the area. Furthermore, the proposals are out of context with the locality due to their height, mass and bulk. As such, the proposals are therefore contrary to Policies QP3 and QP3a of the Borough Local Plan and the guidance contained in the Borough Wide Design Guide.
8.	The proposed development, by reason of the access and poor design of the internal car park, would result in a lack of intervisibility for vehicle egress from the site which would fail to provide a safe environment for pedestrians or cyclists, resulting in unacceptable harm to highway safety in the surrounding area. As such, the proposal is therefore contrary to Policy IF2 of the Borough Local Plan and paragraph 110 of the NPPF.
9.	The site is located within close proximity to the Maidenhead Air Quality Management Area and in the absence of an air quality assessment the application fails to demonstrate that the development would have an acceptable impact on air quality on future residential occupiers or on the area as a whole. As such, the proposal is contrary to Policy EP2 of the Borough Local Plan.
10.	The application site is located adjacent to The Cut river and the application fails to demonstrate that the proposed development would not result in a harmful impact on an identified priority habitat and the application fails to demonstrate a biodiversity net gain. As such, the proposal therefore fails to comply with Policy

	<b>NR2 of the Borough Local Plan and section 15 of the National Planning Policy Framework.</b>
<b>11.</b>	<b>The proposal, due to its location, would unduly impact on the existing trees on the small area of open since to the west of the site contrary to Policy NR3 of the Borough Local Plan.</b>
<b>12.</b>	<b>The proposal, due to the lack of external amenity space, would result in a poor level of amenity for the future occupiers of the flats contrary to Policy QP3 of the Borough Local Plan and the Borough Wide Design Guide.</b>

## **2. REASON FOR COMMITTEE DETERMINATION**

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended; such decisions can only be made by the Committee as the application is for major development.

## **3. THE SITE AND ITS SURROUNDINGS**

- 3.1 The application site comprises a 0.10ha site which is currently used as a private car park by a nearby garage, accessed from Stafferton Way. To the north of the site lies Stafferton Way, with an industrial estate opposite on Howarth Road. To the south and the east lies The Cut river (shown on the OS maps as The Cut but is known locally as York Stream), and to the west lies a small area of open land which is planted with small trees.
- 3.2 The use of the area surrounding the site is mixed, with a number of industrial units, with residential units across the Cut to the east and the south.

## **4. KEY CONSTRAINTS**

- 4.1 The Cut is a Main River, as defined by the Environment Agency (EA) mapping. It is a tributary of the River Thames and is a 'Priority Habitat'. The site lies within Flood Zones 2 and 3.
- 4.2 The site is owned by the Council and the applicant has served notice on Property Services. The Council made a decision at Cabinet on 16 December 2021 to sell the freehold interest of the land on receipt of planning consent. The minutes of this meeting comment that this is a small piece of land that would not sustain major development.
- 4.3 The site lies adjacent to tree planting approved as part of the Stafferton Way Extension (see planning history below).

## **5. THE PROPOSAL**

- 5.1 The application seeks outline planning permission for access, appearance, layout and scale to be considered at this stage, with landscaping reserved, for the erection of a six storey building to include 43 flats with 15 car parking spaces and 82 cycle parking spaces.
- 5.2 Access is proposed in the same location to the existing. The residential accommodation would take the form of 23 x 1 bed units, 16 x 2 bed units, 2 x 3 bed units and 2 x 4 bed units. The Design and Access statement submitted with the

application states that provision for affordable housing in line with Policy HO3 is proposed; however, this is shown on the layout plan.

## 6. RELEVANT PLANNING HISTORY

Reference	Description	Decision
04/41508/OUT	Outline application for erection of vehicle maintenance workshop and office	Refused 21/4/2004
14/00167/FULL	Eastwards extension of Stafferton Way including; the erection of a new bridge over Moor Cut with associated works to the towpath and river; formation of new junction between Stafferton Way, Forlease Road and Green Lane; formation of a new roundabout junction between Stafferton Way, Oldfield Road (B3028) and Bray Road; and associated landscaping.	Permitted 20/3/2014

## 7. DEVELOPMENT PLAN

7.1 The main relevant policies are:

### Borough Local Plan (BLP)

Issue	Policy
Spatial Strategy for the Borough	SP1
Climate Change	SP2
Sustainability and Placemaking	QP1
Green and Blue Infrastructure	QP2
Character and Design of New Development	QP3
Building Height and Tall Buildings	QP3a
Housing Development Sites	HO1
Housing Mix and Type	HO2
Affordable Housing	HO3
Managing Flood Risk and Waterways	NR1
Nature Conservation and Biodiversity	NR2
Trees, Woodlands and Hedgerows	NR3
Renewable Energy	NR5
Environmental Protection	EP1
Air Pollution	EP2
Artificial Light Pollution	EP3
Noise	EP4

Contaminated Land and Water	EP5
Sustainable Transport	IF2
Local Green Space	IF3

## 8. MATERIAL PLANNING CONSIDERATIONS

### National Planning Policy Framework Sections (NPPF) (2023)

Section 2 – Achieving sustainable development

Section 4- Decision-making

Section 5 – Delivering a sufficient supply of homes

Section 8 – Promoting healthy and safe communities

Section 9- Promoting Sustainable Transport

Section 11 – Making effective use of land

Section 12- Achieving well-designed places

Section 14- Meeting the challenge of climate change, flooding and coastal change

Section 15 – Conserving and enhancing the natural environment

### Supplementary Planning Documents

- Borough Wide Design Guide

### Other Local Strategies or Publications

Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment
- RBWM Landscape Assessment
- RBWM Parking Strategy
- Affordable Housing Planning Guidance
- Interim Sustainability Position Statement
- Corporate Strategy
- Environment and Climate Strategy

## 9. CONSULTATIONS CARRIED OUT

### Comments from interested parties

25 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 12.10.2023 and the application was advertised in the Local Press on 29.09.2023

There were no representations of support received.

22 representations were received objecting to the application, summarised as:

Comment	Where in the report this is considered
1. Negative impact on the adjacent waterway.	Section 10

2.	Scale of development out of proportion with the size of the site and would dominate the streetscene.	Section 10
3.	Flood risk.	Section 10
4.	Stafferton Way is a very busy road with several dangerous junctions and the proposal would result in nearby streets being used by residents for parking.	Section 10
5.	Size of development would reduce the visual amenity of the open area of York Stream and Green Lane.	Section 10
6.	Proposal would add to congestion on the roads.	Section 10
7.	43 flats is too dense for the site area.	Section 10
8.	Negative impact on wildlife and nature conservation on and around York Stream where the Borough has worked closely with local people to develop an open natural landscape.	Section 10
9.	Neighbour notification is inadequate.	Section 9. The Local Planning Authority has carried out consultation in line with its statutory duties.
10.	Infrastructure to support the proposal is already insufficient.	Section 10
11.	Plans lack a buffer zone to the water channel and would dominate the weir area with a loss of natural streamside habitat.	Section 10
12.	Spoil the waterway.	Section 10
13.	Impact on the green way path, making it seems urban, all the current buildings are relatively hidden.	Section 10
14.	The site is not a town centre one but on the edge of town where such development would be out of place.	Section 10
15.	Proposal fails to meet policy QP1 in that it does not contribute positively to the place in which it is located. The building will be large, overbearing and densely urban.	Section 10
16.	Proposal fails to meet Policy QP3 as it does not respect its local environment and does not respect the local height of typically two storeys of the area.	Section 10
17.	Proposal fails to meet Policy QP4 which requires an 8m buffer zone, as York Stream is classified as a main river.	Section 10



18.	Impact on water vole population which has recently been established.	Section 10
19.	Proposal will undermine the work of the Maidenhead Waterways Project which seeks to maintain the natural habitat and the encouragement of wildlife.	Section 10
20.	Nesting waterbirds nest on the bank this side of the waterway.	Section 10
21.	No need for more flats in the town centre but a greater need for 3-4 bedroomed houses to support families.	Section 10
22.	Poor quality of life for residents of the flats.	Section 10

### Statutory consultees

Consultee	Comment	Where in the report this is considered
Lead Local Flood Authority (LLFA)	The site is situated in an area at risk of flooding from fluvial sources. Discharge rates for surface water drainage should be as close as possible to the greenfield discharge rate for the site but this has not been established. Need clarification on the receiving system proposed to receive surface water flows from the site. Recommend permission not granted until these issues have been resolved.	Section 10

### Consultees

Consultee	Comment	Where in the report this is considered
RBWM Highways	Objection. It has not been demonstrated that safe and adequate access to and from the application site can be achieved, resulting in excessive conflicts between vehicles, cyclists and pedestrians., and would not provide sufficient inter visibility.  The proposal fails to include adequate off-road parking. Cycle parking is acceptable.	Section 10
RBWM Ecology	Objection. Impact on priority habitat of The Cut watercourse, which is less than 3m from the development, and does not comply with BLP Policies NR1 and NR2. Furthermore, it has not been demonstrated that there will be a net gain in biodiversity as no details for this have been submitted.	Section 10

RBWM Housing Enabling Officer	BLP Policy HO3 requires 13 of the dwellings to be affordable. These are not specified on the plans. Affordable flats need to have their own access core so that service charges can be maintained at a lower rate from the market rate by the Registered Provider. For this to be achieved the proposed layout could have an access core 1 for affordable housing.	Section 10
Berkshire Archaeology	The site falls within an area of archaeological significance and archaeological remains may be damaged by ground disturbance for the proposed development. Written scheme of investigation condition is recommended.	Noted. If the proposals were otherwise acceptable this would be secured by recommended condition.
Thames Water	Would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Should planning permission be granted an informative should be added stating that a groundwater risk management permit from Thames Water is required to discharge into the public sewer.	Section 10
RBWM Environmental Protection	Conditions recommended regarding a construction management plan, plant noise, and contaminated land details.  The site is near an Air Quality Management Area (AQMA) and there is insufficient information on air quality to determine the air quality impact of the proposal. An Air Quality Assessment should be submitted.	Section 10

**Others (e.g. Parish and Amenity Groups)**

Group	Comment	Where in the report this is considered
Friends of Maidenhead Waterways	The waterway in this area has established well since completion in 2020 and the weir and adjoining nature areas are the most rural part of the restored channel, with extensive greenery and habitat for wildlife on both banks. The proposals conflict with many of the adopted policies in the Maidenhead Waterways Framework and well as the Environment Agency's requirement for an 8m buffer zone along the waterway.  The development would be a gross overdevelopment of a small site, is far too high at	Section 10

	<p>6 storeys and would consequently dominate and be overbearing to the restored waterway and nature area, lacks any buffer stream to York Stream which is classified as a Main River, will damage ecology, piling could destabilise the existing piles that support the existing sloping banks adjoining the site.</p>	
<p>Maidenhead Civic Society</p>	<p>The site is a narrow linear shape with little depth. Development will result in a building line very close to the road. It sits alongside a section of the newly created waterway. It is unrealistic for any ecological assessment to conclude that such a development will have no adverse impact on the area.</p> <p>The proposed structure is 6 storeys in height and will create 43 1 and 2 bed flats which are grossly over provided within Maidenhead's housing stock. Although the flats have balconies the constraints of the site do not facilitate the provision of any amenity space. The parking provision of 12 spaces and 3 disabled spaces is inadequate for the number of dwellings in a busy location with no facility for on-street parking. The vehicular access point is too close to the mini roundabout and larger delivery vehicles will not be accommodated by the loading bay and will have to park on the street.</p> <p>The main issue is the visual impact of the height, bulk and mass of the proposed structure especially the north elevation facing Stafferton Way. The situation is made worse by the undercroft element at ground floor level which is almost entirely solid dark grey relieved only by two glass fronted entrances. The residential floors of the north elevation have no architectural interest or relief with around 90 windows.</p> <p>From the planning history it is unclear when and if permission was granted for use as a car park. We object to this excessive application which would result in overdevelopment of the site in terms of height, bulk and mass with inadequate parking provision and lack of amenity space.</p>	<p>Section 10</p>

## 10. EXPLANATION OF RECOMMENDATION

10.1 The key issues for consideration are:

- i Principle of Development;
- ii Climate Change and Sustainability;
- iii Affordable Housing;
- iv Housing Provision and Quality;

- v Flooding;
- vi Design and Character;
- vii Parking and Highways Impacts;
- viii Impact on amenity; and,
- ix Ecology and Trees.

### **Principle of Development**

- 10.2 Whilst the land is currently used as a private car park for a local garage, there is no planning history to demonstrate that this use has been granted planning permission. Furthermore, it is unclear from the planning records whether this use has been in situ for the requisite time period in order to establish whether such a use is therefore lawful by the passage of time. Notwithstanding this, the proposal seeks to change the use of the land to residential.
- 10.3 The application site is located within close proximity to Maidenhead Town centre and there are therefore shops, facilities and public transport routes nearby. Policy SP1 of the BLP seeks to focus the majority of development in three strategic growth areas, which includes Maidenhead. Policy HO1 of the BLP is also relevant and commits to providing at least 14,240 new dwellings in the plan period up to 2033 that will focus on existing urban areas and the allocations listed within the policy and as shown on the Proposals Map. The location, in purely spatial policy terms, is therefore acceptable for residential development. However, this is subject to demonstrating compliance with other relevant development plan policies which will be addressed below.

### **Climate Change and Sustainability**

- 10.4 New development is expected to demonstrate how it has incorporated sustainable principles into the development including, construction techniques, renewable energy, green infrastructure and carbon reduction technologies as set out in Policy SP2 of the BLP requires all development to demonstrate how they have been designed to incorporate measures to adapt to and mitigate climate change.
- 10.5 The proposals do not include any detail regarding what design measures will be included to adapt to and mitigate for climate change. This is required in order to demonstrate how the requirements of the Interim Sustainability Position Statement can be met and in the absence of this information, it is not possible to assess how the development adapts to and mitigates climate change or to calculate any potential carbon off-set financial contribution for the development which would be secured through a legal agreement. In the absence of this information, the proposal therefore fails to comply with Policy SP2 of the BLP.

### **Affordable Housing**

- 10.6 Policy HO3 of the BLP requires all major residential developments to provide on site affordable housing. In this location, 30% of the total number of dwellings should be affordable, which equates to 13 dwellings in this case. Since the application includes layout, details of the relevant affordable housing should be included in the application itself, including the proposed location on the floor plans.
- 10.7 The submitted Design and Access Statement states that 'affordable housing provision will be in accordance with Local Plan requirements contained in Policy HO3 and can be dealt with in more detail at the reserved matters stage'. However, as stated above, whilst the application is outline, layout is applied for and it should be assessed at this stage, with the relevant detail submitted. In the absence of any detail of affordable

housing provision on the plans, and with no other detail provided, there is insufficient detail to fully assess whether the proposals would provide affordable housing in the correct form. The proposal therefore, fails to comply with BLP Policy HO3.

### **Housing Provision and Quality**

- 10.8 Policy HO2 of the BLP states that development should provide an appropriate mix of dwelling types and sizes reflecting the evidence in the most up to date Berkshire Strategic Housing Market Assessment (SHMA), or successor documents. The 2016 SHMA sets out that the recommended housing mix is 15% 1 bed units, 30% 2-bed units, 35% 3 bed units and 20% 4 bed units.
- 10.9 The residential accommodation would take the form of 23 x 1 bed units, 16 x 2 bed units, 2 x 3 bed units and 2 x 4 bed units. Over half of the proposed development would be in the form of one bed units, with a large percentage of two bed units, and provision for only 2 x 3 bed and 2 x 4 bed units. The proposed development would not therefore accord with the 2016 SHMA recommendations in that there is an over-provision of one bed units, and an under provision of larger three and four bed units. As such, the proposals would not provide an appropriate mix of dwelling types and sizes, reflecting the most up to date evidence and therefore the proposals are contrary to Policy HO2 of the BLP.
- 10.10 In order to ensure compliance with BLP policy HO2 which seeks to ensure that new homes contribute to meeting the needs of current and projected households, if the proposals were otherwise acceptable, a condition would be recommended to secure 30% of the dwellings to be delivered as accessible and adaptable dwellings in accordance with Building Regulations M4(2), and 5% of the dwellings to meet the wheelchair accessible standard in Building Regulations M4(3).
- 10.11 Policy QP3 of the BLP seeks to ensure that all new residential units provide for a satisfactory standard of accommodation, including adequate living space and both a quality internal and external environment. The Borough Wide Design Guide (BWDG) sets out a number of criteria in order to secure this.
- 10.12 The proposed units would all meet the National Housing Space standards, with natural light and ventilation to habitable rooms. With regard to amenity space, each flat would have a balcony that is in accordance with the BWDG principles. However, with regard to communal space, Principle 8.6 of the BWDG requires a minimum of 10 sqm of communal outdoor amenity space per flat to be provided. Given the tight location of the site and the level of built form proposed, there is no provision for communal outdoor amenity space to be provided. In the absence of this communal provision, the proposal would result in a poor standard of amenity for the future occupiers of the flats, contrary to BLP Policy QP3 and the guidance contained in the BWDG.

### **Flooding**

- 10.13 The site is located within Flood Zones 2 and 3, with the EA flood mapping showing the majority of the site in Flood Zone 3 as the site is very close to a Main River as defined by the EA maps. Policy NR1 of the BLP sets out that within designated Flood Zone 3, development proposals will only be supported where an appropriate flood risk assessment has been carried out and requires a sequential test for all development in areas at risk of flooding, except for those allocated in the BLP or a Made Neighbourhood Plan. The application site does not form part of either exception to this and the proposal will be required to pass the sequential test, to be considered acceptable. Residential development is considered a 'More Vulnerable' use and

therefore in Flood Zone 2 a sequential test is required and in Flood Zone 3 an exception test is required. An exception test can only be passed if the sequential test is passed.

- 10.14 The sequential test, as set out in the NPPF and Policy NR1 of the BLP, seeks to ensure that a risk based approach is followed to steer new development to areas with the lowest risk of flooding. The sequential test should only compare reasonably available sites in areas of medium risk, and then only where there are no reasonably available site in low and medium risk areas, within high-risk areas. Since the majority of the site is within Flood Zone 3, it is within a high risk area.
- 10.15 The application has been submitted alongside a Flood Risk Assessment (FRA) which contains an assessment of potential sites within the Maidenhead area included in the Berkshire Housing and Economic Land Availability Assessment (HELAA) 2019. This assessment of deliverable sites is very minimal and inconclusive and does not include any sites outside the general Maidenhead area. For the sequential test to be passed, any assessment of deliverable sites must include sites from the Borough as a whole. As such, the submitted information fails to adequately address and demonstrate that the sequential test has been passed, as it is considered that there could be reasonably available sites in low and medium risk areas within the wider Borough for residential development.
- 10.16 Since the sequential test has not been passed, there is no requirement for the exception test to be passed. In the event that the sequential test is passed, then the exception test would be required to be passed as well for the development to be acceptable in flood risk terms.
- 10.17 With regard to flood resilience measures and safe access and egress during a flood event, the submitted flood risk assessment sets out that the finished floor levels (FFL's) of the development would be set at 24.0mAOD. This is situated above the modelled 1% AEP flood event with a 35% allowance for climate change of 23.77mAOD. Whilst the ground floor FFL is 230mm above the flood level and not 300m above this in line with EA Standing Advice, it is noted that the ground floor of the building is for parking and bin storage only and the habitable accommodation is set at first floor level. With regard to safe access and escape, as set out above, the FFL is set above the flood level and therefore a safe access would be available to Stafferton Way in a flood event. This is considered acceptable and if the proposals were otherwise acceptable, this would be conditioned.
- 10.18 Given the above, the proposal would result in 'More Vulnerable' development in a high risk flood area, without passing the sequential test and as such the principle of development is unacceptable and the proposal is therefore contrary to the NPPF and Policy NR1 of the BLP
- 10.19 Policy QP2 of the BLP is also relevant and sets out that development proposals are expected to provide blue infrastructure in their proposals. Policy NR1 seeks to ensure that development proposals restrict surface water run-off and that where proposals are located near main rivers, they should retain or provide an undeveloped 8m buffer zone to the watercourse.
- 10.20 The LLFA has reviewed the submitted documents and raised concerns regarding surface water discharge rates and that these should be as close as possible to greenfield discharge; however, this has not been established. Furthermore, concerns are raised regarding the receiving system proposed for surface water drainage. Since the recommendation is one of refusal, these issues have not been addressed during the course of the application. On this basis, insufficient information has been submitted

to ensure appropriate surface water drainage of the development and the proposal is therefore contrary to Policies QP2 and NR1 of the BLP.

- 10.21 The development is sited within 8m of The Cut watercourse which is defined as a main river on the EA mapping, with some parts of the development sited only 3m from the watercourse. The proposal therefore would not leave an 8m buffer zone as required by BLP Policy NR1 and as such the proposal may result in harm to the appropriate maintenance of the main river itself. As such, in the absence of this buffer, the proposal is contrary to Policy NR1 of the BLP.
- 10.22 No detail has been submitted regarding the proposed surface water drainage to the site. Thames Water have stated that any discharge made without a permit is deemed illegal under the provisions of the Water Industry Act 1991. However, since Thames Water have not recommended refusal, this does not form a reason for refusal of the application. If the proposals were otherwise acceptable, this would be added as an informative to any decision, in line with the Thames Water comments.

### **Design and Character**

- 10.23 The appearance of the development is a material planning consideration. Policy QP3 of the BLP seeks to ensure that new development will be of a high quality and sustainable design that respects and enhances the local, natural or historic character of the area paying particular regard to urban grain, layouts, rhythm, density, height, skylines, scale, bulk, massing, proportions, trees, biodiversity, water features enclosure and materials. Furthermore, development should incorporate interesting frontages and design details to provide visual interest, particularly at pedestrian level.
- 10.24 Policy QP3 is consistent with the objectives of Section 12 of the NPPF which states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. The NPPF further states at paragraph 126 that good design is a key aspect of sustainable development. The BWDG is also relevant to this application and is consistent with national and local policy in relation to the character and appearance of a development.
- 10.25 The proposed six storey building would be 82m wide (when the balconies are added on the width increases to 87.5m), 18.4m high and 11m wide. The proposed materials for the building are 'Rockpanel Wood' in various shades of grey, with a zinc mansard roof and aluminium windows and doors. The site is narrow and the proposed building would sit abutting the existing pavement, with no setback.
- 10.26 Whilst the eastern end of the elevation would be below the current site level, the building would still be at five storeys at street level and there would be minimal set back from the existing pavement. The proposed building has been designed with a horizontal emphasis and whilst it has some vertical elements in the stairwells/lift shafts, its form and scale would have a 'monolithic' appearance, with its scale, bulk and massing out of context with the surrounding area. It is noted that there are some large buildings in the vicinity, including the building which houses a supermarket, the retail complex, a multi storey car park and a self- storage building; however, these are all set back from the road, with landscaped areas to the frontage and furthermore, they do not face directly onto the river. Industrial buildings directly opposite are single storey. In this context, the proposed building would stand out as a monolithic structure that would unduly dominate the streetscene. On the opposite side of the river there is a well-used footpath and allotment gardens and from both of these, the proposed building would also unduly dominate given its scale, massing and bulk, resulting in a

loss of the tranquil river and leisure environment. These leisure elements are important in urban areas and the proposal would result in a degradation of their context.

- 10.27 Given the above, the proposal would fail to respect the local or natural character of the environment, would not respect or create high quality townscapes or landscapes and would not create an interesting frontage at pedestrian level. The proposal is therefore contrary to BLP Policy QP3.
- 10.28 Policy QP3a states that within established settlements new development will be expected to maintain existing context heights and to reinforce and reflect the character of the area. The policy defines more than four storeys in an urban area as a tall building. Policy QP3a requires development to be of height, scale, mass and volume that are proportionate to the role, function and importance of the location in the wider context, and enhance the character and distinctiveness of the area and avoid an overbearing impact on streetscape. The proposal, in that its size would be out of context with the locality and its mass, scale and bulk would be visually oppressive, creating an overbearing presence in the streetscene, therefore fails the policy tests set out in BLP policy QP3a.

### **Parking and Highways**

- 10.29 Policy IF2 of the BLP sets out that new development proposals that help create a safe and comfortable environment for pedestrians and cyclists and improve access by public transport will be supported. Development should also be located to minimise the distance people travel and the number of vehicle trips generated and measures to minimise and manage demand for travel and parking. Paragraph 110 of the NPPF requires safe and suitable access to the site should be achieved for all users and that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety.
- 10.30 A minimum distance of 30m is required from an access point to a junction; however, the access to the development is located only 22m to the Stafferton Way/Howard Way mini roundabout to the west. Whilst this is an existing access, the proposed development would result in a significant increase in traffic movements when compared to the existing private car park. Within the proposed car park, there would be insufficient width to allow vehicles to pass each other at multiple locations and accordingly, concerns are raised regarding the safe operation of the car park and potential conflicts between vehicles, pedestrians and disabled users. Furthermore, it is unclear from the submission as to whether there would be sufficient vehicle to vehicle intervisibility, as the staircase position would block the view of the vehicle ramp and would result in a significant level of conflict with pedestrians. A number of the parking bays as shown on the submitted plans would also be too tight and result in unnecessary manoeuvring. The internal dimension of the car park has very limited width available for vehicles to manoeuvre and turn and it is not clear if the gradient for the parking ramp exceeds 1:20 as required by relevant guidance. On this basis, overall, the development would fail to provide a safe environment for pedestrians and cyclists, nor disabled users and as such is contrary to Policy IF2 of the BLP and the NPPF, resulting in an unacceptable impact on highway safety.
- 10.31 With regard to the level of car parking on site, 15 spaces are proposed and this would fall short of the required provision. However, the site is within close proximity to bus routes 16 and 53 which are very regular services to the town centre, which is approximately 10 mins by bus from the site and bus route 7 which is another regular service to the station which takes 10 minutes from the site. There is also a supermarket within a few minutes walk of the site. Given this, it is considered that there are suitable



and convenient modes of sustainable transport available for occupiers of the site and a use of a car would be restricted by a lack of on-street parking in the area. As such, it is not considered that this in itself would constitute a reason for refusal and the parking could be secured by condition if the proposals were otherwise acceptable. Furthermore, cycle parking provision and refuse and recycling facilities would be secured by recommended condition if the proposals were otherwise acceptable.

### **Amenity**

- 10.32 Policy QP3 of the BLP requires that new development shall have not unacceptable impact on the effect of the amenities of enjoyed by adjoining properties and that the proposals provide high quality private and public amenity space. The location of the application site is such that there are no residential properties in the immediate vicinity of the site and as such the proposal would not result in unacceptable harm to any adjoining residential amenity.
- 10.33 Policy EP2 of the BLP states that development proposals will need to demonstrate that they do not significantly affect residents within or adjacent to an Air Quality Management Area (AQMA) or to residents being introduced by the development itself. The site is located within close proximity to an AQMA and as such, an air quality assessment should be undertaken; however, this has not been submitted with the application. As such, there is insufficient information to assess the impact of air quality on the future residential occupiers of the proposal or on the area as a whole, contrary to Policy EP2 of the BLP.
- 10.34 Conditions have been recommended by Environmental Protection regarding construction works; however, these would be covered by environmental health legislation. If the proposals were otherwise acceptable, conditions would be attached regarding plant noise and contamination.

### **Ecology and Trees**

- 10.35 Policy NR2 of the BLP requires applications to demonstrate how they maintain, protect and enhance biodiversity and will be required to apply to mitigation hierarchy to avoid, mitigate or compensate for any adverse biodiversity impacts. Development proposals will be expected to identify areas where there is opportunity for biodiversity to be improved. Furthermore, the policy states in criterion (d) that development should ensure that all new developments next to rivers will not lead to the deterioration of the ecological status of waterbodies. Development proposals should avoid loss of the biodiversity and fragmentation of existing habitats.
- 10.36 The site is located directly adjacent to The Cut, a tributary of the River Thames and a 'Priority Habitat'. The proposals are likely to have a significant impact on the priority habitat and the associated vegetation due to the increased built form next to The Cut, with increased noise and light. As such, on the basis of the information provided, the proposal is contrary to Policy NR2 of the BLP.
- 10.37 Paragraph 175 of the NPPF states that "opportunities to incorporate biodiversity improvements in and around developments should be encouraged". Policy NR2 of the BLP also requires proposals to identify areas where there is opportunity for biodiversity to be improved and, where appropriate, enable access to areas of wildlife importance. Where opportunities exist to enhance designated sites or improve the nature conservation value of habitats, for example within Biodiversity Opportunity Areas or a similar designated area, they should be designed into development proposals. Development proposals will demonstrate a net gain in biodiversity by quantifiable

methods such as the use of a biodiversity metric. A biodiversity net gain assessment has not been submitted with the application and in the absence of this, the application is contrary to policy NR2 of the BLP.

- 10.38 Policy NR3 of the BLP states that development proposals should carefully consider the individual and cumulative impact of proposed development on existing trees, woodlands and hedgerows, including those that make a particular contribution to the appearance of the streetscape and local character/distinctiveness. Trees in the open space to the west of the site, which are Council owned and were planted as part of the development of the Stafferton Way extension scheme, would be unduly impacted by the proposal given how close the built development would be to the trees. The trees are located on a small open area, adjacent to the site and provide a rare open and green presence in the mostly industrial and retail area on Stafferton Way. As such, the proposals are contrary to Policy NR3.

## **11. PLANNING BALANCE**

- 11.1 The report has set out a number of harms as a result of the development, including failing the sequential test, lack of climate change mitigation, insufficient detail regarding affordable housing, inappropriate dwelling mix, insufficient detail on surface water drainage, siting within the 8m buffer zone of a main river, harm to the visual amenity of the streetscene both sides of the river, dominating the streetscene and river landscape, unacceptable level of harm to highway safety, lack of communal amenity space, lack of detail of effects on air quality, harm to the ecology of The Cut, which is a priority habitat, no biodiversity net gain demonstrated and undue impact on the adjacent trees.
- 11.2 The Local Planning Authority has recently published details of a 4.88 year housing land supply. Paragraph 11(d) of the NPPF states that where policies which are most important for determining the application are out of date (due to the fact the Council doesn't have a 5 year housing land supply), grant permission unless:
- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or  
(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 11.3 Footnote 7 of para 11(d) of the NPPF states in (i) it refers to policies relating to areas at risk of flooding. As such, the application of policies relating to flood risk provide a clear reason for refusal for the development proposed and the titled balance of the NPPF is not therefore engaged. This is in accordance with Paragraph 11 d i) of the NPPF.
- 11.4 There are no conditions that would meet the tests for conditions set out in the NPPF that would overcome the concerns outlined above and enable planning permission to be granted. As such, the recommendation is for the refusal of the application.

## **12. APPENDICES TO THIS REPORT**

- Appendix A - Site location plan and site layout
- Appendix B – plan and elevation drawings

## **13. REASONS RECOMMENDED FOR REFUSAL**

- 1 The site lies predominately within Flood Zone 3 and the proposal fails the sequential

- test as it is not proven that there are other available sites in areas of lower flood risk in the Borough that could be developed for housing. As such this the development represents inappropriate more vulnerable development a high flood risk zone contrary to Policy NR1 of the Borough Local Plan and the NPPF paragraph 161-165.
- 2 In the absence of a Sustainability/Energy Statement, the application fails to demonstrate that the development adapts to and mitigates climate change and to calculate and secure any potential carbon off-set financial contribution for the development through a completed legal agreement. As such, the proposal is contrary to policy SP2 of the Borough Local Plan and the guidance contained in the Interim Sustainability Position Statement.
  - 3 In the absence of detail regarding the location, size or position of affordable housing or a completed legal agreement to secure the required affordable housing, the application fails to provide affordable housing which would meet the needs of the local area. As such, the proposals are contrary to policy HO3 of the Borough Local Plan.
  - 4 The proposed development would have an over-provision of 1no. bed flats and an under-provision of 3no. and 4no. flats when compared to the 2016 Berkshire Strategic Housing Market Assessment. As such, the proposals would therefore fail to provide an appropriate mix of dwelling types and sizes reflecting the most up to date evidence, contrary to Policy HO2 of the Borough Local Plan
  - 5 On the basis of the information provided, the application fails to fully assess the surface water drainage implications of the proposed development in the surrounding area and as such the proposal is contrary to Policies QP2 and NR1 of the Borough Local Plan.
  - 6 The proposed development fails to provide an adequate buffer to the river bank of the adjacent waterway required for maintenance and would therefore cause harm to nature conservation and habitats. The proposal would therefore be contrary to Borough Local Plan policies NR1 and NR2.
  - 7 The proposed development, by reason of its height, scale, mass, bulk and design, would unduly dominate the streetscene of Stafferton Way and the footpath and allotment gardens on the opposite site of The Cut river resulting in a degradation of the visual amenity of the area. Furthermore, the proposals are out of context with the locality due to their height, mass and bulk. As such, the proposals are therefore contrary to Policies QP3 and QP3a of the Borough Local Plan and the guidance contained in the Borough Wide Design Guide.
  - 8 The proposed development, by reason of the access and poor design of the internal car park, would result in a lack of intervisibility for vehicle egress from the site which would fail to provide a safe environment for pedestrians or cyclists, resulting in unacceptable harm to highway safety in the surrounding area. As such, the proposal is therefore contrary to Policy IF2 of the Borough Local Plan and paragraph 110 of the NPPF.
  - 9 The site is located within close proximity to the Maidenhead Air Quality Management Area and in the absence of an air quality assessment the application fails to demonstrate that the development would have an acceptable impact on air quality on future residential occupiers or on the area as a whole. As such, the proposal is contrary to Policy EP2 of the Borough Local Plan.
  - 10 The application site is located adjacent to The Cut river and the applicaiton fails to demonstrate that the proposed development would not result in a harmful impact on an identified priority habitat and the application fails to demonstrate a biodiversity net

gain. As such, the proposal therefore fails to comply with Policy NR2 of the Borough Local Plan and section 15 of the National Planning Policy Framework.

- 11 The proposal, due to its location, would unduly impact on the existing trees on the small area of open space to the west of the site contrary to Policy NR3 of the adopted Borough Local Plan
- 12 The proposal, due to the lack of external amenity space, would result in a poor level of amenity for the future occupiers of the flats contrary to Policy QP3 of the Borough Local Plan and the guidance contained in the Borough Wide Design Guide.

### **Informatives**

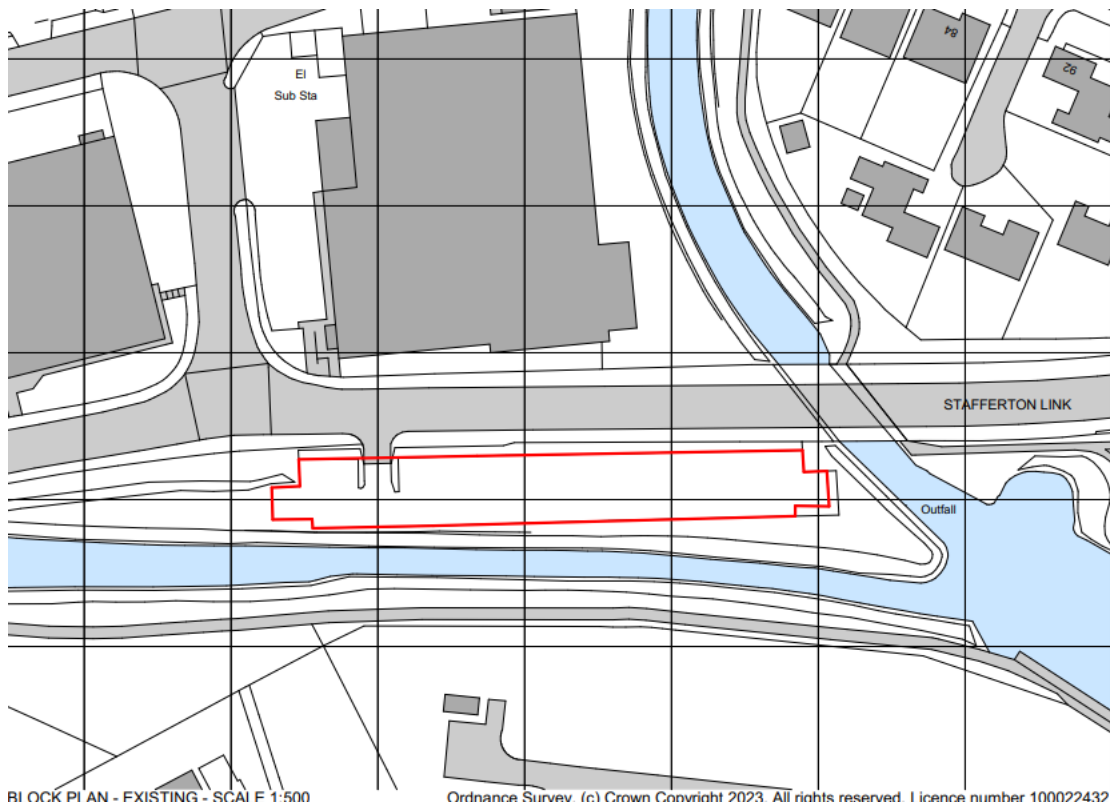
- 1 The proposal relates to the following submitted plan:



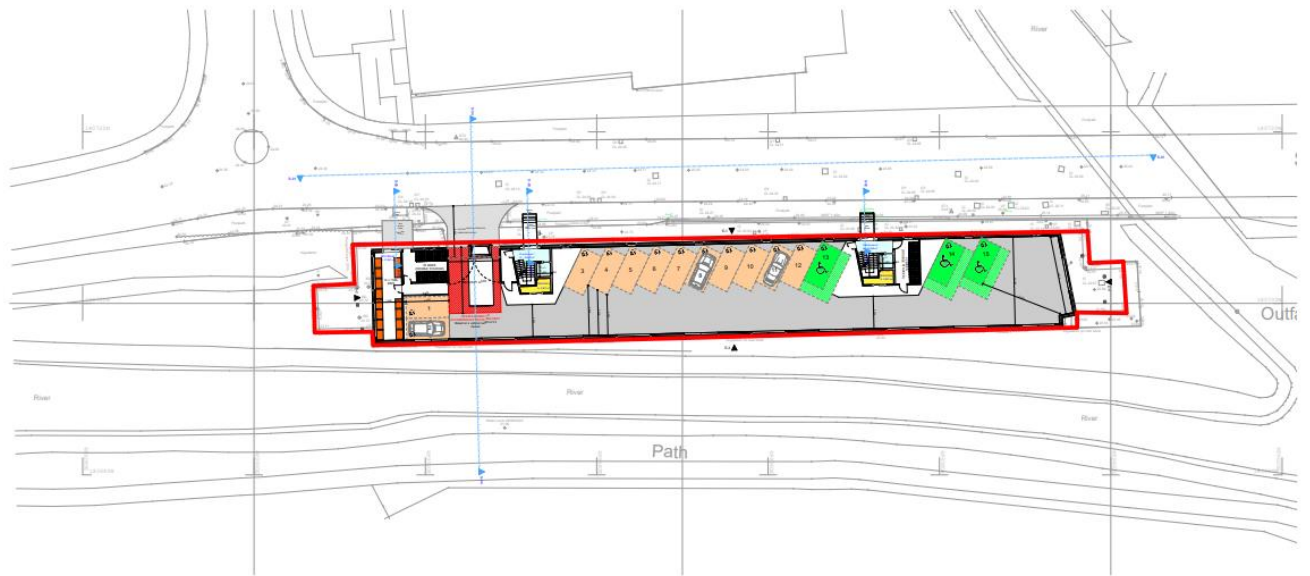
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# APPENDICES 23/02268/OUT

## EXISTING SITE PLAN



# PROPOSED SITE PLAN



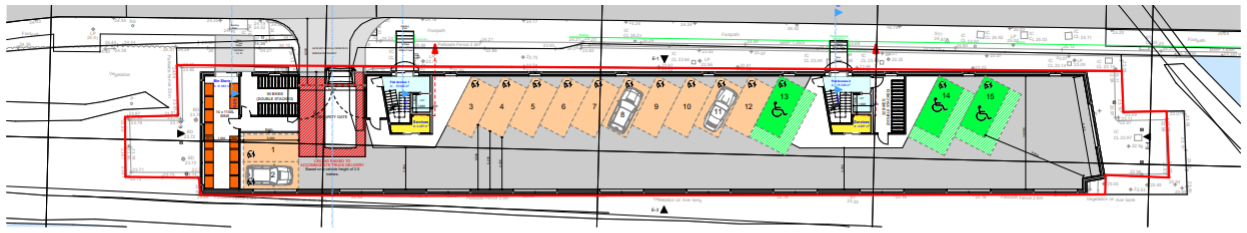
2 SITE PLAN - TOPO OVERLAY

GF-Ground Floor

1:500



# PROPOSED FLOOR PLANS



1 GF-Ground Floor (1) 1:200



2 01-First Floor 1:200



3 02-Second Floor 1:200



# PROPOSED ELEVATIONS

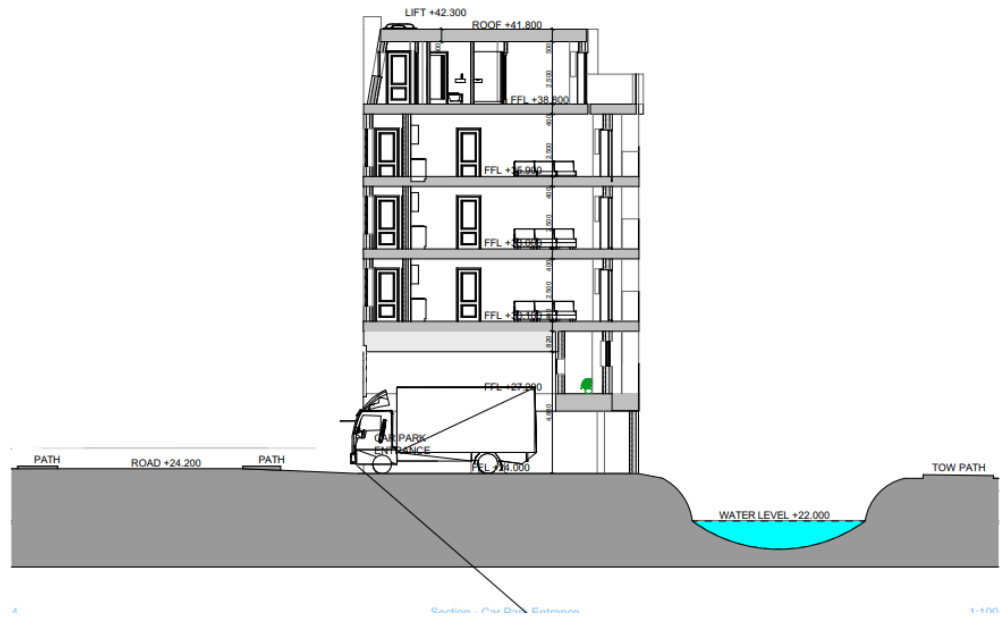


1 Proposed Front Elevation 1:200



3 Proposed Rear Elevation 1:200

# PROPOSED CROSS SECTION



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# Agenda Item 10

## Planning Appeals Received

11 November 2023 - 11 December 2023

### Maidenhead Panel

The appeals listed below have been received by the Council and will be considered by the Planning Inspectorate. Should you wish to make additional/new comments in connection with an appeal you can do so on the Planning Inspectorate website at <https://acp.planninginspectorate.gov.uk/> please use the PIns reference number. If you do not have access to the Internet please write to the relevant address, shown below.

**Enforcement appeals:** The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN

**Other appeals:** The Planning Inspectorate Temple Quay House, 2 The Square Bristol BS1 6PN

**Ward:**  
**Parish:** Maidenhead Unparished  
**Appeal Ref.:** 23/60087/REF      **Planning Ref.:** 23/01734/FULL      **PIns Ref.:** APP/T0355/D/23/3332239  
**Date Received:** 8 November 2023      **Comments Due:** N/A  
**Type:** Refusal      **Appeal Type:** HouseHolder Appeal  
**Description:** Replacement of existing front boundary wall and associated new gates  
**Location:** **32 Rushington Avenue Maidenhead SL6 1BZ**  
**Appellant:** Mr & Mrs S & D White & Williamson **c/o Agent:** Mr Neil Davis Davis Planning Ltd 19 Woodlands Avenue Wokingham RG41 3HL

**Ward:**  
**Parish:** Maidenhead Unparished  
**Appeal Ref.:** 23/60088/REF      **Planning Ref.:** 22/02419/FULL      **PIns Ref.:** APP/T0355/W/23/3322145  
**Date Received:** 13 November 2023      **Comments Due:** 18 December 2023  
**Type:** Refusal      **Appeal Type:** Written Representation  
**Description:** 2no. buildings comprising of 10no. two bedroom maisonettes with access, bin stores and associated parking and landscaping following the demolition of the existing buildings.  
**Location:** **2 - 4A Boyn Valley Road Maidenhead**  
**Appellant:** Mr Fiaz Hussain **c/o Agent:** Mr Adam Bennett 1 Kings Row Havelock Road Southsea PO5 1RQ

**Ward:**  
**Parish:** Bisham Parish  
**Appeal Ref.:** 23/60089/REF      **Planning Ref.:** 22/02285/FULL      **PIns Ref.:** APP/T0355/W/23/3323059  
**Date Received:** 13 November 2023      **Comments Due:** 18 December 2023  
**Type:** Refusal      **Appeal Type:** Written Representation  
**Description:** x1 new detached dwelling following demolition of existing dwelling and outbuildings.  
**Location:** **Temple Weir House Temple Lane Temple Marlow SL7 1SA**  
**Appellant:** Mr And Mrs Doedens Temple Weir House Temple Lane Temple Marlow SL7 1SA

**Ward:**  
**Parish:** Bray Parish  
**Appeal Ref.:** 23/60090/REF      **Planning Ref.:** 22/03302/FULL      **PIns Ref.:** APP/T0355/W/23/3324024  
**Date Received:** 13 November 2023      **Comments Due:** 18 December 2023  
**Type:** Refusal      **Appeal Type:** Written Representation  
**Description:** Detached new dwelling with PV panels, access gates, associated parking and landscaping.  
**Location:** **Land Adjacent To Seymour House Ascot Road Holyport Maidenhead**  
**Appellant:** Mr Ibrahim Mohamed **c/o Agent:** Mr Lloyd Jones Pen-y-Rhiw Redbrook Road NEWPORT NP20 5AB

**Ward:**  
**Parish:** Bray Parish  
**Appeal Ref.:** 23/60091/REF      **Planning Ref.:** 22/02793/FULL      **PIns Ref.:** APP/T0355/W/23/3323660  
**Date Received:** 14 November 2023      **Comments Due:** 19 December 2023  
**Type:** Refusal      **Appeal Type:** Written Representation

**Description:** x1 new detached dwelling, access, hardstanding and landscaping.  
**Location:** **Land Rear Between 1 And 5 The Fieldings Holyport Maidenhead**  
**Appellant:** Mr Daniel Torrance **c/o Agent:** Mr Matthew Corcoran CDS Planning And Development Consultants  
Pure Offices, Midshires House Smeaton Close Aylesbury Bucks HP19 8HL

**Ward:**  
**Parish:** Bray Parish  
**Appeal Ref.:** 23/60092/REF **Planning Ref.:** 23/00872/FULL **Plns Ref.:** APP/T0355/W/23/3327809  
**Date Received:** 16 November 2023 **Comments Due:** 21 December 2023  
**Type:** Refusal **Appeal Type:** Written Representation  
**Description:** Construction of a stable block to house 6 horses and a feed store.  
**Location:** **Land To East of Hollies Moneyrow Green Holyport Maidenhead**  
**Appellant:** Mr Paul Kelly **c/o Agent:** Mrs Cheryl Wellstead-Clarke Ashcombe House Green Lane Hambledon  
Waterlooville PO7 4SX

**Ward:**  
**Parish:** White Waltham Parish  
**Appeal Ref.:** 23/60093/REF **Planning Ref.:** 22/02414/OUT **Plns Ref.:** APP/T0355/W/23/3327911  
**Date Received:** 22 November 2023 **Comments Due:** 27 December 2023  
**Type:** Refusal **Appeal Type:** Written Representation  
**Description:** Outline application for access and scale only to be considered at this stage with all other matters to be reserved for a replacement dwelling.  
**Location:** **Hunters Moon Jubilee Road Littlewick Green Maidenhead SL6 3QU**  
**Appellant:** Durgan Hunters Moon Jubilee Road Littlewick Green Maidenhead SL6 3QU

**Ward:**  
**Parish:** Maidenhead Unparished  
**Appeal Ref.:** 23/60094/REF **Planning Ref.:** 23/00922/FULL **Plns Ref.:** APP/T0355/W/23/3328647  
**Date Received:** 28 November 2023 **Comments Due:** 2 January 2024  
**Type:** Refusal **Appeal Type:** Written Representation  
**Description:** Construction of 8no. flats (use class C3) with associated parking, cycle and refuse/recycling stores, new front wall/gate and removal of secondary access following demolition of existing dwelling and outbuildings.  
**Location:** **Highclere Shoppenhangers Road Maidenhead SL6 2QA**  
**Appellant:** Mr James Thomson **c/o Agent:** Miss Nasrin Sayyed 20 Farringdon Street London EC4A 4AB

**Ward:**  
**Parish:** Maidenhead Unparished  
**Appeal Ref.:** 23/60097/REF **Planning Ref.:** 23/00556/PT20A **Plns Ref.:** APP/T0355/W/23/3328533  
**Date Received:** 29 November 2023 **Comments Due:** 3 January 2024  
**Type:** Refusal **Appeal Type:** Written Representation  
**Description:** Application for prior approval for construction of two additional storeys to the building to provide 27 additional dwellings.  
**Location:** **InVentiv Health Thames House 17 Marlow Road Maidenhead SL6 7AA**  
**Appellant:** Mr J Barker **c/o Agent:** Mr Tony Allen Allen Planning Ltd The Old Fire Station EC Salt Lane Salisbury  
SP1 1DU

**Ward:**  
**Parish:** Maidenhead Unparished  
**Appeal Ref.:** 23/60098/REF **Planning Ref.:** 23/01758/FULL **Plns Ref.:** APP/T0355/D/23/3332916  
**Date Received:** 30 November 2023 **Comments Due:** N/A  
**Type:** Refusal **Appeal Type:** HouseHolder Appeal  
**Description:** Two storey side extension and new refuse store.  
**Location:** **11 Mallow Park Maidenhead SL6 6SQ**  
**Appellant:** Mr Anthony 11 Mallow Park Maidenhead SL6 6SQ

**Ward:**  
**Parish:** Cookham Parish  
**Appeal Ref.:** 23/60099/REF **Planning Ref.:** 22/03162/FULL **Plns Ref.:** APP/T0355/W/23/3329117  
**Date Received:** 30 November 2023 **Comments Due:** 4 January 2024  
**Type:** Refusal **Appeal Type:** Written Representation  
**Description:** Change of use of the existing building from ancillary commercial use to office space (Retrospective).  
**Location:** **The Arcade High Street Cookham Maidenhead SL6 9TA**

**Appellant:** Mr Jolyon Burgess The Arcade High Street Cookham Maidenhead SL6 9TA

**Ward:**  
**Parish:** Maidenhead Unparished  
**Appeal Ref.:** 23/60101/REF      **Planning Ref.:** 22/01540/FULL      **Plns Ref.:** APP/T0355/W/23/3333831  
**Date Received:** 7 December 2023      **Comments Due:** 11 January 2024  
**Type:** Refusal      **Appeal Type:** Public Inquiry  
**Description:** Full planning application for enabling works comprising the provision of construction access, site preparation and earthworks (in connection with outline planning application for residential development of up to 330 new homes, land for a primary school of up to three forms of entry with associated landscaping, open space, car parking, drainage and earthworks to facilitate surface water drainage; and all ancillary and enabling works).  
**Location:** **Land At Spencers Farm Summerleaze Road Maidenhead**  
**Appellant:** IM Land 1 Limited And Summerleaze Limited **c/o Agent:** Miss Lillian Duffield Stantec The Blade Abbey Square READING RG1 3BE

**Ward:**  
**Parish:** Maidenhead Unparished  
**Appeal Ref.:** 23/60102/REF      **Planning Ref.:** 22/01537/OUT      **Plns Ref.:** APP/T0355/W/23/3333834  
**Date Received:** 7 December 2023      **Comments Due:** 11 January 2024  
**Type:** Refusal      **Appeal Type:** Public Inquiry  
**Description:** Outline application for access only to be considered at this stage with all other matters to be reserved for residential development of up to 330 new homes, land for a primary school of up to three forms of entry with associated landscaping, open space, car parking, drainage and earthworks to facilitate surface water drainage; and all ancillary and enabling works.  
**Location:** **Land At Spencers Farm Summerleaze Road Maidenhead**  
**Appellant:** IM Land 1 Limited And Summerleaze Limited (Summerleaze) C/o Agent

**Ward:**  
**Parish:** White Waltham Parish  
**Appeal Ref.:** 23/60103/REF      **Planning Ref.:** 23/01359/FULL      **Plns Ref.:** APP/T0355/D/23/3334089  
**Date Received:** 11 December 2023      **Comments Due:** N/A  
**Type:** Refusal      **Appeal Type:** HouseHolder Appeal  
**Description:** Detached double garage  
**Location:** **The Old Vicarage Bath Road Littlewick Green Maidenhead SL6 3QR**  
**Appellant:** Mr Paul Spencer **c/o Agent:** Mrs Kirstie Edwards 11 St. Marys Place SHREWSBURY Shropshire SY1 1DZ

# Appeal Decision Report

01 November 2023 - 11 December 2023

## Maidenhead Panel

www.rbwm.gov.uk



Royal Borough  
of Windsor &  
Maidenhead

**Appeal Ref.:** 23/60016/ENF      **Enforcement Ref.:** 20/50257/ENF      **Plns Ref.:** APP/T0355/C/22/3313415  
**Appellant:** Paul Edward Summers Rotherton Maidenhead Road Cookham SL6 9DB  
**Decision Type:** **Officer Recommendation:**  
**Description:** Appeal against The carrying out of engineering operations including the formation of a means of access comprising the regrading of the bank, new hard surface area, associated retaining wall, steps and access, without planning permission  
**Location:** **7 Halfway Houses Maidenhead Road Maidenhead SL6 6PP**  
**Appeal Decision:** Upheld and Varied      **Decision Date:** 8 December 2023  
**Main Issue:**

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**Appeal Ref.:** 23/60048/REF      **Planning Ref.:** 22/02386/FULL      **Plns Ref.:** APP/T0355/D/23/3316727  
**Appellant:** Harry Bowden **c/o Agent:** Other ET Planning Office 200 Dukes Ride CROWTHORNE RG45 6DS  
**Decision Type:** Delegated      **Officer Recommendation:** Refuse  
**Description:** Single storey rear extension and first floor side extension following demolition of existing conservatory.  
**Location:** **Cleeve Brayfield Road Bray Maidenhead SL6 2BW**  
**Appeal Decision:** Dismissed      **Decision Date:** 6 November 2023  
**Main Issue:**

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**Appeal Ref.:** 23/60066/REF      **Planning Ref.:** 23/00191/FULL      **Plns Ref.:** APP/T0355/D/23/3320388  
**Appellant:** Mr Mohamed Hanif **c/o Agent:** Mr Reg Johnson 59 Lancaster Road Maidenhead SL6 5EY  
**Decision Type:** Delegated      **Officer Recommendation:** Refuse  
**Description:** Single storey side extension, 1no. rear dormer and alterations to fenestration  
**Location:** **1 The Drive Ray Street Maidenhead SL6 8PN**  
**Appeal Decision:** Dismissed      **Decision Date:** 22 November 2023  
**Main Issue:**

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**Appeal Ref.:** 23/60068/REF      **Planning Ref.:** 22/01658/LBC      **Plns Ref.:** APP/T0355/Y/23/3316216  
**Appellant:** Sian Pearce 3 Pamela Row Holyport Maidenhead SL6 2JJ  
**Decision Type:** Delegated      **Officer Recommendation:** Refuse  
**Description:** Consent for remedial repairs, part replacement and re-painting of the front entrance canopy, alterations to the front door and frame to include re-painting, replacement of two windows on the front elevation and internal alterations.  
**Location:** **3 Pamela Row Holyport Maidenhead SL6 2JJ**  
**Appeal Decision:** Dismissed      **Decision Date:** 22 November 2023  
**Main Issue:**

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**Appeal Ref.:** 23/60069/REF      **Planning Ref.:** 23/00039/FULL      **Plns Ref.:** APP/T0355/W/23/3320781  
**Appellant:** Mr A Adnani **c/o Agent:** Mr Neil Langley 4 Ford Avenue North Wootton KING'S LYNN PE30 3QS  
**Decision Type:** Delegated      **Officer Recommendation:** Refuse  
**Description:** Installation of 16no. solar panels to the existing roof.  
**Location:** **3 The Hyde Ray Mill Road West Maidenhead SL6 8SD**  
**Appeal Decision:** Dismissed      **Decision Date:** 24 November 2023

**Main Issue:** The fitting of 8 PV panels to the west facing roof would cause considerable harm to the special interest of the listed building. The public benefits of the proposal do not outweigh the harm identified.

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**Appeal Ref.:** 23/60070/REF      **Planning Ref.:** 23/00040/LBC      **Plns Ref.:** APP/T0355/Y/23/3320779  
**Appellant:** Mr A Adnani **c/o Agent:** Mr Neil Langley 4 Ford Avenue North Wootton KING'S LYNN PE30 3QS  
**Decision Type:** Delegated      **Officer Recommendation:** Refuse  
**Description:** Consent for the installation of 16no. solar panels to the existing roof.  
**Location:** **3 The Hyde Ray Mill Road West Maidenhead SL6 8SD**  
**Appeal Decision:** Dismissed      **Decision Date:** 24 November 2023

**Main Issue:** The fitting of 8 PV panels to the west facing roof would cause considerable harm to the special interest of the listed building. The public benefits of the proposal do not outweigh the harm identified.

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